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REYNOLDS - PEOPLE - CROSS - DILLER

date of birth, parents' name, telephone number.

Q Now, did you ask him anything about what supposedly happened in the park earlier that evening?

A No.

Q You didn't?

A No.

Q In your presence did anyone else ask him anything with respect to what happened earlier in the evening?

A Now, at what time are you talking about?

Q When he first got into the Juvenile Room.

A No.

Q Now, there came a time that you left the Juvenile Room, is that correct?

A I might have.

Q Now, by the way, at that point when he was in the Juvenile Room, had you spoken with his family?

A No-- you mean over the phone?

Q Over the phone.

A No.

Q Did your partner call his family?

A Yes.

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2 Q And your partner being Police Officer  
3 Powers, is that right?

4 A That's correct.

5 Q And do you know what time it was that he  
6 called someone in the Kevin Richardson family?

7 A No, I don't know specifically the time.

8 Q Did you indicate to your partner the person  
9 that Kevin Richardson said for him to call?

10 A Could you repeat that?

11 Q In other words, when your partner called the  
12 Richardson family, do you know whom he had spoken  
13 to?

14 A No.

15 Q Now, do you know Kevin Richardson's mother?  
16 Did you ever meet her?

17 A I met her that night, yes.

18 Q Do you know her name?

19 A Not offhand. I believe it's Mrs.  
20 Richardson, I'm not sure.

21 Q You would be guessing at that?

22 A Yes, I would.

23 Q If I told you it was Mrs. Cuffy, would that  
24 refresh you at all?

25 A That's possible. I don't recall.

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2 Q Now, when was it for the first time that you  
3 met Mrs. Cuffy?

4 A I met her that night.

5 Q What time was it?

6 A I'm not sure of the exact time.

7 Q Well, do you know what time she came to the  
8 station house?

9 A No.

10 Q Do you know what time Officer Powers called  
11 her?

12 A It was shortly after we brought them to the  
13 station house. Again, the exact time, I'm not-- I  
14 wasn't there. He was across the hall.

15 Q Now, where did you see Mrs. Cuffy for the  
16 first time, where was she?

17 A I saw her in the doorway of the Juvenile  
18 Room.

19 Q And did you say anything to her?

20 A Yes. I told her her son was under arrest  
21 and I believe I asked her if that was her son.

22 Q First, did you tell her why he was under  
23 arrest?

24 A I believe so.

25 Q What did you tell her?

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2 A I believe I told her he was under arrest for  
3 assaulting people in the park.

4 Q Were you more specific about it?

5 A I don't recall specifically what I told her.

6 Q And did you say where he was in the station  
7 house?

8 A He was right in front of her.

9 Q And did you say you took her-- you told her  
10 she can talk to him?

11 A No. I asked her if she could wait outside.

12 Q Did she ask you if she could speak with her  
13 son?

14 A I don't recall if she did or not. If she  
15 did, she would have been allowed to.

16 MR. MOORE: Objection.

17 THE COURT: Overruled. I'll let counsel  
18 who asks the question, if he is satisfied  
19 with it?

20 MR. DILLER: I'll pursue it.

21 Q Am I correct, Officer Reynolds, that you  
22 never invited at that juncture Mrs. Cuffy to speak  
23 with her son, Kevin Richardson; is that correct?

24 A I don't recall if she spoke with him or not.  
25 If she wanted to speak with him, I would have

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1  
2 allowed her to. Again, I don't recall if I did or  
3 not. If she did, it was a brief conversation and I  
4 asked her to wait outside when she was finished so I  
5 can complete my paperwork.

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7 Q Now, in the Juvenile Room, who else was  
8 present other than Kevin Richardson at that moment?

9 A Raymond Santana, Steven Lopez, Lamont McCall  
10 and Clarence Thomas.

11 Q So, you had five arrested persons, is that  
12 correct?

13 A That's correct.

14 Q And who from the department was present?

15 A Again there were several officers coming in  
16 and out, you know, with the paperwork, giving me log  
17 numbers and so on.

18 Q Now, if you were doing paperwork, what  
19 concern would it have been of yours that Mrs. Cuffy  
20 would have access to speak in the presence of other  
21 officers?

22 MS. LEDERER: Objection.

23 THE COURT: I don't know whether he said  
24 that was so.

25 Did he say that?

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Q You said to Mrs. Cuffy that she's to wait outside, is that correct?

A That's correct.

Q I'm asking you, would it present a problem if she would have had the opportunity in the presence of other officers while you were doing your paperwork that she would have conferred with her son?

A It wouldn't have been a major problem, but usually we do have-- what I usually do is have the parent wait outside so I can complete the paperwork in a timely fashion.

Q Officer, isn't it true that you didn't want Mrs. Cuffy to speak with her son at that point?

A That's not true.

Q Now, how long did your paperwork?

A It took a couple of hours.

Q A couple of hours?

A Yes.

Q How many papers did you prepare?

A I'd say about thirty, forty.

Q Did you actually do the typing?

A There's only one report that's typed.

Q This is the handwriting then, is that

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2 correct?

3 A Yes.

4 Q And did you prepare, for example, at that  
5 point an on-line booking system arrest worksheet?

6 A That's correct.

7 Q And on that document did you indicate what  
8 the charges against Kevin Richardson were?

9 A I'll have to look at it, but I did indicate  
10 that.

11 Q Go ahead.

12 A Yes, I did.

13 Q What charges were they?

14 A It was assault, unlawful assembly and  
15 possession of a weapon. I originally put assault  
16 and unlawful assembly.

17 Q You filled out one worksheet where you  
18 indicated assault and unlawful assembly, is that  
19 correct?

20 A That's correct.

21 Q And then you filled out a second worksheet,  
22 is that correct?

23 A Second worksheet for what?

24 Q For the identical crime with respect to  
25 Kevin Richardson?

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2 A You mean did I tear up the first and pick up  
3 a second?

4 Q No, not tear it up but make up a second?

5 A No.

6 Q You said the first one had assault in the  
7 second degree and unlawful assembly?

8 A At first it had assault in the second and  
9 unlawful assembly.

10 Q What did you do with that document?

11 A I completed it and sent it downtown to  
12 Central Booking in Manhattan.

13 Q You said there was a second document that  
14 had something else in it?

15 A No, I didn't.

16 Q Did you prepare a second document?

17 A No, not a second arrest report, no.

18 MR. DILLER: I would like this document  
19 marked Defendant Richardson's Exhibit B for  
20 identification.

21 (Document marked Defendant Richardson's  
22 Exhibit B for identification.)

23 Q Now, I show you what has been marked as  
24 Defendant Richardson's Exhibit B for identification  
25 and ask you to look at the top page.

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Have you had an opportunity?

A Yes. What part of the top?

Q Listing the crimes.

A Yes.

Q And after looking at it, is your recollection refreshed as to whether or not you had the third crime listed on this sheet?

A Yes.

Q This is not the same working sheet at the other working sheet, isn't that so?

A Yes, it is.

Q Okay.

MR. DILLER: I ask that this document be marked as Defendant Richardson's Exhibit C for identification.

(Document marked Defendant Richardson's Exhibit C for identification.)

MS. LEDERER: Is this a one-page document? What's being marked is several documents.

THE COURT: Which page you marking?

MR. DILLER: Just the top page.

Q I ask you to look at again the crimes on that list.

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1  
2 Is your recollection refreshed as to whether--  
3 the fact that you made two different sheets for two  
4 different crimes?

5 A Yes, this is the same sheet as the first  
6 one.

7 Q Is there a difference?

8 A The difference is this one here was--

9 THE COURT: Which one is this one?

10 THE WITNESS: I'm sorry, Exhibit C.  
11 Exhibit C was photostated before it went  
12 downtown. The other one is photostated  
13 after going down to Central Booking. It's  
14 the same document, there's only one.

15 Q And it has the same arrest I.D. numbers?

16 A No, there's a different number on it.

17 Q Can you tell us why there are two different  
18 numbers?

19 A I don't know.

20 Q In any event, they charged Kevin Richardson  
21 with criminal possession of a weapon. What was the  
22 weapon?

23 A The weapon was the pipe.

24 Q Now, when did you learn there was a pipe?

25 A Excuse me?

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Q When was it that you learned that there was a pipe?

A At 100th Street and Central Park West.

Q When you prepared the on-line booking sheet arrest, isn't it true that you characterize it as a blunt instrument, not a pipe?

A A pipe is a blunt instrument.

Q You didn't say pipe on it, isn't that so?

A On which report?

Q On the on-line booking sheet.

A Right.

Q Did you know it was a pipe at that time?

A I was told it was a pipe.

Q Who told you?

A I was-- Police Officer Powers stated that he had made a statement that they used a pipe.

Q Who made the statement?

A The defendant.

Q Which defendant?

A He didn't say specifically who it was. It was either Richardson, Lamont McCall or Clarence Thomas.

THE COURT: Give us names of people. Some are defendants, some are not. Just

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give us names of people.

Q Would it be fair to say, Officer Reynolds, that at that point you didn't know of any statements that were attributable to Kevin Richardson?

A Excuse me?

Q Would it be fair to say that at the time you were preparing the worksheet, you knew of no statement of Kevin Richardson?

A I knew he made a statement, yes.

Q You didn't know the content of the statement?

A Police Officer Powers said he made a statement that he was at the scene.

Q Did he make a statement that he participated on the assault of the male jogger, Mr. Loughlin?

A Yes.

Q Did he articulate exactly what it was he did?

A He spoke to Officer Powers.

Q Did Officer Powers tell you what Mr. Richardson told him he did?

A He told me he was there and acted as a participant.

Q But never articulated what he did as a

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2 participant, did he?

3 A No, not that I recall. No.

4 Q Now, for the two hours you're doing your  
5 paperwork, where's Mrs. Cuffy?

6 A She's in the Clerical Room.

7 Q How far is that away from the Juvenile Room  
8 in terms of distance?

9 A They're adjoining each other.

10 Q And would it be fair to say that she-- that  
11 staying in the outside room where she is, you could  
12 hear if there's noise in the Juvenile Room?

13 A Yes.

14 Q Now, after two hours passed, approximately  
15 what time was that?

16 A Two hours from what time?

17 Q In other words, when you finished your  
18 clerical work, what time was that?

19 A It was about three, three or four, I  
20 believe. I'm not sure specifically when I finished.  
21 It wasn't entirely finished because I didn't have  
22 the return date.

23 Q Up until three or four in the morning, that  
24 would have made it approximately over four hours  
25 since Kevin Richardson was in custody at the station

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2 house, isn't that so?

3 A Yes, that's true.

4 Q In that four-hour period, did Mrs. Cuffy  
5 ever engage in a conversation with her son, Kevin?

6 A She might have because I remember her being  
7 in the room and I had a conversation with her.

8 Q When you say "might have," did you ever  
9 leave Mrs. Cuffy to speak with Kevin Richardson?

10 A Did I leave her to speak--

11 Q In other words, did you ever see them  
12 actually engaged in conversation?

13 A I don't recall. She might have spoken to  
14 him. I don't remember. I didn't place a lot of  
15 significance on it.

16 Q Now, you had just completed some of the  
17 paperwork with respect to an arrest of a felony of  
18 Kevin Richardson, did you not?

19 A Yes.

20 Q And you knew he was fourteen years of age,  
21 did you not?

22 A Yes.

23 Q Did you ever tell Mrs. Cuffy something to  
24 the effect, "Mrs. Cuffy, your son is being charged  
25 with a rather serious crime, that it would be a good

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2 idea for you to get an attorney for him"?

3 A No.

4 Q Did you ever tell her anything about what  
5 was going to happen with respect to the Family Court  
6 processings that were anticipated at that time?

7 A Yes, I believe so.

8 Q What did you tell her?

9 A I stated that what usually happens is he'll  
10 go to Family Court. What they'll do is they'll  
11 monitor his behavior, see if he is doing well in  
12 school, and if he needs psychiatric help or some  
13 kind of counseling, that he would probably receive  
14 it.

15 Q Did you indicate to her that this was a  
16 court? He wasn't merely going to some sociologist,  
17 that was court she was going to?

18 A Yes, that's correct, Family Court.

19 Q Did you tell her in court there are lawyers?

20 A No, I didn't explain the whole workings to  
21 her.

22 Q Did you also tell her that Kevin had certain  
23 rights about remaining silent?

24 A You are asking me if I read her her rights?

25 Q Not read her, just discussed it with her?

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2 A I don't believe so.

3 Q Now, it's 4:00; is that correct,  
4 approximately 4:00 in the morning?

5 A If you want it to be.

6 Q No, no, it's not what I want it to be--

7 THE COURT: Please, Officer.

8 Please be more specific about what time  
9 you're talking about.

10 Q I'm talking about after the clerical work  
11 was concluded.

12 A Again, the paperwork wasn't finished because  
13 I still had to get the return day. Parts of the  
14 paperwork were left open.

15 Q Up until that point, in other words, you  
16 recognize there is some paperwork to be finally  
17 concluded but the point about which we are now  
18 speaking where you finished most of the paperwork,  
19 it was about 4:00; is that so?

20 A Yeah, about 4:00.

21 Q Now, the room in which Mrs. Cuffy was  
22 seated, could you describe that to us a little bit?  
23 Were there chairs?

24 A There were several chairs, desks with lamps.

25 Q Was there a telephone?

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A There are telephones in the room, but I believe they are locked away at night.

Q Is there a coffee machine or a soda machine?

A Yes, there's a coffee machine sitting there. I don't believe it was in use at that time. There's a soda machine next door in our muster room.

Q Did you ever-- withdrawn.

You saw Mrs. Cuffy, did you not?

A Yes.

Q Would it be fair to say, Officer, that she looked extremely nervous?

A She was very concerned, yes.

Q Did you say to Mrs. Cuffy something to the effect can I get you a cup of coffee? It's 4:00 in the morning now.

A No.

Q Did she ask you is it possible maybe to have a glass of water, do you recall that?

A Did she ask me that?

Q Did she ask you for the water or coffee?

A There's really no place to get the water there.

Q Now, would you say, Officer Reynolds, that Mrs. Cuffy, in addition to grave concern that she

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2 manifested, also appeared to be sickly a little bit?

3 A No.

4 Q Did she indicate to you, you recall that she  
5 was a recent victim of a stroke?

6 A No.

7 THE COURT: Recent victim of a what?

8 MR. DILLER: Of a stroke.

9 THE WITNESS: No.

10 Q She didn't say that?

11 A I don't recall her telling me that, no.

12 Q In any event, we are now down to 4:00; Kevin  
13 is in one room, Mrs. Cuffy is in another room, is  
14 that correct?

15 A That's correct.

16 Q And then a Lieutenant McInerney, I believe--

17 A Right.

18 Q -- presents the news that there was a very  
19 serious thing that happened in the park, is that  
20 right, namely, a woman was found very seriously  
21 beaten, is that correct, words to that effect?

22 A That's right.

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24 Q And that everyone is to be questioned by the  
25 police, by detectives; is that correct?

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1  
2 A He asked me to hold onto them until the  
3 detectives could come to question them.

4 Q So, at that point whether they were  
5 awaiting-- that is whether the five of them in the  
6 room were awaiting the arrival of other parents or  
7 clearances on warrants, all bets are off; they had  
8 to say, is that correct?

9 A That's correct.

10 Q And then detectives of the Investigation  
11 Unit of the Central Park Precinct started to come  
12 in, is that so?

13 A No.

14 Q Who came in, if anybody?

15 A Detectives from Night Watch.

16 Q Now, what is Night Watch?

17 A Those are the detectives that handle, you  
18 know, serious crimes during the night when the PDU's  
19 are not working, when they were unavailable.

20 Q Is this division-wide or borough-wide or  
21 city-wide?

22 A I believe it's borough-wide.

23 Q And did, indeed, any of them come?

24 A Come where?

25 Q To the precinct, to the Juvenile Room?

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2 A Eventually, yes.

3 Q When you say "eventually," what time was it?

4 A It was around, I believe, five, six o'clock.

5 Q Now, by five or six o'clock, did Mrs. Cuffy

6 then have the opportunity to speak to Kevin

7 Richardson?

8 A Did she have the opportunity?

9 Q In other words, did she-- withdrawn.

10 Did she speak to Kevin Richardson?

11 A I don't recall if she spoke to him or not.

12 Q Did you go to Mrs. Cuffy seated in the

13 clerical room and tell her that there was a problem

14 that had arisen and that Kevin wasn't just about

15 ready to go, and this was a serious question that

16 had to be dealt with? Did you tell her that?

17 A I believe so, at one point I told her they

18 would have to wait.

19 Q Did you tell her specifically why they would

20 have to wait?

21 A Specifically as far as the incident that

22 occurred?

23 Q What you had known from Lieutenant

24 McInerney, did you tell it to her?

25 A No.

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1 Q Did you tell her that there appears to be a  
2 question of serious charges, that at this point for  
3 sure she would be well advised to have an attorney  
4 for this fourteen-year-old boy?  
5

6 A No.

7 Q Now, by 6:00 in the morning do you know if  
8 Mrs. Cuffy had a cup of coffee?

9 A Several of the parents left to get something  
10 to eat.

11 Q Did Mrs. Cuffy go out of that precinct house  
12 between the time she had arrived-- by the way, you  
13 don't know what time she had arrived, do you?

14 A Originally?

15 Q Yes.

16 A She was one of the first parents there.

17 Q Would it be fair to say it was 11:30?

18 A No.

19 Q Twelve?

20 A Probably.

21 Q From twelve to six in the morning, did she  
22 leave that station house?

23 A I don't know.

24 Q Do you know if she had even an automobile?

25 A No, I didn't know.

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Q Do you know if anyone brought her back a cup of coffee?

A I don't recall anything was brought for her, but people did go out to get food. And if she didn't go, more than likely some of the other parents brought her something.

Q And you are saying "more than likely;" you have no knowledge of that, do you?

A No.

Q Do you know if in that six-hour plus period if Kevin Richardson had anything to eat or to drink in that six hours in jail?

A He did eat that morning.

Q No, I'm asking you from the time of his arrest, he was brought into the station house sometime before midnight; is that correct?

A Yes.

Q Until 6:00 in the morning, some six hours plus, can you tell us if he had anything to eat or drink?

A Something was brought for them to eat. I don't recall if it was within the six-hour period or not. For a time, during the six hours, they were sleeping so they wouldn't be able to eat.

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1  
2 Q When you say they were sleeping, were they  
3 sleeping on the floor?

4 A One or two were curled up on the floor and a  
5 couple others sat in the reclining chairs against  
6 the wall.

7 Q Would it be fair to say they didn't have the  
8 use of a blanket or anything?

9 A They had their jackets.

10 Q Do I understand this is a regular New York  
11 City Police precinct in Central Park?

12 A That's correct.

13 Q Would it be fair to say that the precinct  
14 does have for aided cases the availability of  
15 something like a blanket?

16 A No.

17 Q Are you telling us that the entire Central  
18 Park Precinct doesn't have a single blanket?

19 A There might be blankets in our dorms, but  
20 that's what we bring in for ourselves.

21 Q In other words, if there was some kind of an  
22 accident, for example, with a necessity for  
23 blankets, your precinct couldn't provide them?

24 A If somebody was injured, they wouldn't be  
25 brought to the precinct. There would be no need for

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2 it. MS carries blankets in their ambulances.

3 Q Now, do you know where Kevin Richardson, if  
4 he was sleeping on the floor?

5 A I don't recall if he was in a chair or on  
6 the floor.

7 Q But during that six hours, is it your  
8 testimony, Officer Reynolds, that no one spoke with  
9 him?

10 A Are you talking about police officers?

11 Q Police officers, yes.

12 A I don't recall anyone speaking with him.

13 Q Now, did there come a time when any kind of  
14 personnel, whether from the District Attorney's  
15 office or from the police department, sought to have  
16 a colloquy with Kevin Richardson?

17 A You're going to have to explain that word.

18 Q Okay. From after 6:00 in the morning did  
19 there come a time where a member of the New York  
20 City Police Department or the District Attorney's  
21 office had a conversation or interview with Kevin  
22 Richardson?

23 A Yes.

24 Q When was that for the very first time?

25 A I believe that was about 8:00. I'm not sure

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2 of the exact time. I wasn't present for his  
3 interview.

4 Q Do you know a Captain Gunther?

5 A Yes.

6 Q And do you know a Chief Rosenthal?

7 A I don't know Chief Rosenthal personally. I  
8 know of him.

9 Q Now, was he the assistant chief of  
10 detectives in charge of Manhattan detectives?

11 A Yes.

12 Q Did you see him in the early morning hours  
13 of the 20th of April, 1989?

14 A Yes.

15 Q And did you see him go into what we had  
16 talked about, the Juvenile Room?

17 A No.

18 Q Did you see Captain Gunther go into the  
19 Juvenile Room?

20 A No.

21 Q Did you see any investigative detectives go  
22 into the Juvenile Room?

23 A Yes.

24 Q And when was it for the first time that they  
25 went into the room?

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2 A It was approximately 5:30, 5:50.

3 Q And do you know what they did when they went  
4 into the room?

5 A They eventually started interviewing the  
6 juveniles.

7 Q Now, you assume that, you weren't there,  
8 right?

9 A I was there for two.

10 Q Which two were you there while they were  
11 interviewing?

12 A Clarence Thomas and Lamont McCall.

13 Q When were those interviews concluded?

14 A Each one separately--

15 Q Were they both done simultaneously?

16 A No.

17 Q When was the second interview concluded?

18 A I'm not sure of the exact time.

19 Q Would you say they each took at least an  
20 hour?

21 A Yes.

22 Q So, that would take us to about 8:00 in the  
23 morning; is that right?

24 A Yes.

25 Q Where was Mrs. Cuffy at 8:00 in the morning?

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A I believe she was in the clerical part of the office.

Q Was she asleep on the floor?

A I don't think so. She was with her son.

Q You say she was with her son?

A Yes.

Q She was with Kevin in the clerical room?

A Yes.

Q And she was talking to Kevin?

A I don't know if she was talking to him. I assume that she did.

Q Well, did you see them in conversation?

A I don't recall if they spoke or not.

Q Now, at that hour of the morning, you were the arresting officer; did you speak with Mrs. Cuffy?

A I had brief conversations with her throughout the night. If she had questions, I would answer them.

Q What was some of the questions she had and what were some of the answers you gave to those questions?

MR. BURNS: At what point in time, can we have that maybe?

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2 Q Starting from the first.

3 A I don't recall. These were casual  
4 conversations. It wasn't anything that was recorded  
5 or made, you know, a record of.

6 Q I am not suggesting there was something  
7 recorded. There had to be a time, certainly, by  
8 8:00 in the morning that the gravity of the  
9 situation was apparent; wasn't that so?

10 A Yes.

11 Q This is eight hours plus?

12 A Yes.

13 Q She had to come to you because you were the  
14 arresting officer, right?

15 A That's correct.

16 Q To ask you what's going on here, is that  
17 correct?

18 MS. LEDERER: Objection as to form.

19 THE COURT: I'll allow it.

20 A At what time frame are you talking about?

21 Q The early morning hours, like seven or eight  
22 o'clock.

23 A If she had asked-- and I don't recall if she  
24 asked or not, I would have told her that the  
25 detectives wanted to speak to her.

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1  
2 Q Did you tell her at this point since it  
3 looks like a really serious matter it would be a  
4 good idea for this lady to get an attorney for her  
5 son?

6 A No.

7 Q Did you indicate to Mrs. Cuffy that for sure  
8 her son, Kevin, wasn't going home that night?

9 A No, because it wasn't for sure at that  
10 point.

11 Q They were awaiting questioning, isn't that  
12 so?

13 A That's correct.

14 Q When was it that it was Kevin Richardson's  
15 turn to be questioned for the very first time by  
16 detectives?

17 A He went after Lamont McCall and Clarence  
18 Thomas.

19 Q Now, what time in the morning was that?

20 A Again, I don't recall.

21 Q Okay, it's in the framework, however, of  
22 about 8:00; is that right, give or take?

23 A Yes.

24 Q Now, do you know who was the first to deal  
25 with questions of Kevin?

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REYNOLDS - PEOPLE - CROSS - DILLER

A No, I don't.

Q And do you know who was-- withdrawn.

Where was Kevin when the first team of interrogators questioned him?

A Excuse me?

Q Where was Kevin Richardson when the first detectives sought to question him, was he in the Juvenile Room or someplace else?

A When the detectives first arrived to start--

Q In other words, where did they question him?

A In the Juvenile Room.

Q Next to where Mrs. Cuffy was?

A Well, when he was being questioned, she was with him.

Q She was with him?

A All the parents were with their children when they were questioned.

Q I didn't ask that. When Kevin was being questioned, were the other boys in the room?

A No. At least, with the first two interviews, it was parents and the child.

Q I'm asking you when Kevin was questioned. Are you telling us positively that Mrs. Cuffy was present for the initial interrogation of Kevin?

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REYNOLDS - PEOPLE - CROSS - DILLER

1 A I told you I wasn't present for his  
2 interview.  
3

4 Q I realize you were not present, but you  
5 certainly were in the immediate proximity of  
6 everything that was going on, is that correct?

7 A I don't believe so.

8 Q Well, Kevin was your charge at that point,  
9 was he not, since you arrested him?

10 A That's correct.

11 Q And did you turn him over to detectives?

12 A They stated they wanted to speak to him.  
13 There is no formal procedure for that.

14 Q Did they say, "Well, you were the arresting  
15 officer, we want you to be present"?

16 A Did they state that?

17 Q Did they say that to you?

18 A I don't believe so.

19 Q Did you say, "I'd like to be present. After  
20 all, I am the arresting officer"?

21 A Not for Kevin Richardson, no.

22 Q And where were the other boys?

23 A They were in the clerical office sitting  
24 with their parents.

25 Q And you don't know where Mrs. Cuffy was at

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1 REYNOLDS - PEOPLE - CROSS - DILLER

2 that point, do you?

3 THE COURT: Excuse me, which point?

4 MR. DILLER: At the point when Kevin  
5 Richardson was being interviewed.

6 A I was not there.

7 Q Now, who did the interviewing?

8 A I was not there. I don't know.

9 Q Well, you know who went into the room, do  
10 you not?

11 A Who went in the room with him?

12 Q Yes.

13 A His mother went with him.

14 Q You are misunderstanding me. When the  
15 detectives were questioning Kevin Richardson in the  
16 Juvenile Room, I am asking you who the detectives  
17 were?

18 A Again, I was not there. I don't know who it  
19 was.

20 Q Do you know if there were five or six  
21 detectives?

22 MS. LEDERER: Objection.

23 MR. DILLER: If he knows who went in the  
24 room.

25 THE COURT: He said he wasn't there. He

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1 REYNOLDS - PEOPLE - CROSS - DILLER  
2 doesn't know.

3 Were you in the precinct?

4 THE WITNESS: I was next door.

5 THE COURT: Meaning what?

6 THE WITNESS: I was in the main part of  
7 the station house.

8 THE COURT: Is that where the other  
9 persons were with their parents?

10 THE WITNESS: No, they weren't.

11 THE COURT: That was not the clerical  
12 room?

13 THE WITNESS: No.

14 THE COURT: Was that on the same floor?

15 THE WITNESS: No, it is a separate  
16 building. You have to go across a driveway  
17 to it.

18 THE COURT: Okay.

19 Q Did you hear any noise coming out of the  
20 room where Kevin was being questioned by detectives?

21 A What type of noise?

22 Q Any kind of noise.

23 A No.

24 Q Did you hear any shouting or loud noises?

25 A No. Again, I was not there, I was next

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1 REYNOLDS - PEOPLE - CROSS - DILLER

2 door.

3 Q How long do you know if Kevin was being  
4 questioned?

5 A Excuse me?

6 Q How long a period of time was Kevin being  
7 questioned?

8 A I don't know.

9 Q Did there come a time that you saw Kevin  
10 again?

11 A Yes.

12 Q When was that?

13 A I saw him later on that night. I had seen  
14 him several times. I didn't-- it wasn't anything  
15 formal. I might have went back into the room and  
16 caught a glimpse of him and went back out.

17 THE COURT: Officer, did you say that  
18 his mother was with him when he was being  
19 questioned?

20 THE WITNESS: Well, it was my  
21 understanding that the parents were to be  
22 with all--

23 THE COURT: But I mean, do you know in  
24 this case whether his mother was with him?

25 THE WITNESS: No, I don't.

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REYNOLDS - PEOPLE - CROSS - DILLER

MR. BURNS: Judge, I can't hear you.

THE COURT: The question was does he know whether Richardson's mother was present with him when he was questioned.

Q When was in the early morning hours of the 20th the last time that you can recall seeing Mrs. Cuffy, Kevin Richardson's mother? Do you know the time approximate?

A No.

Q As the arresting officer of Kevin Richardson, did you ever tell Kevin-- he was fourteen, was he not?

A That's what he told me, yes.

Q Do you have any reason to believe he was another age?

A Well, he looked a little older, but he stated he was fourteen and his mother stated he was fourteen.

Q Did you believe them?

A Yes.

Q And did you at any time suggest to Kevin that this is a serious matter and that after all, he should speak with his mother and they ought to come to some kind of an understanding whether they wanted

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1 REYNOLDS - PEOPLE - CROSS - DILLER

2 a lawyer or to talk to anyone?

3 A No.

T14/FR 4

5 Q Did you ever say anything to Kevin at any  
6 time from the moment that he was first in custody on  
7 Central Park West, wherever he was, for the days  
8 that followed that he had a right to counsel?

9 A No.

10 Q You never read him the so-called Miranda  
11 warnings either, did you?

12 A That's correct.

13 Q Were you present at any conversation that  
14 anyone had, after the detective you described with  
15 Kevin Richardson?

16 A Be more specific.

17 Q Were you privy, in other words, were you  
18 part of any detective in the Police Department of  
19 the City of New York asking Kevin Richardson  
20 questions?

21 A No.

22 Q Or any District Attorney?

23 A No.

24 MR. DILLER: May I have just one brief  
25 moment?

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COLLOQUY

THE COURT: Yes.

MR. DILLER: I have no further questions.

MS. LEDERER: Excuse me, your Honor, may we approach just for a second?

THE COURT: Yes.

(Discussion was held off the record.)

THE COURT: Short recess.

(Recess.)

THE COURT: All right, let's continue.

THE CLERK: Officer Reynolds, you're still under oath.

THE COURT: Mr. Joseph.

MR. JOSEPH: Thank you, your Honor.

CROSS EXAMINATION

BY MR. JOSEPH:

Q Officer Reynolds, you told us that there came a time at approximately 10 p.m. at the location of 102nd Street and the area of Central Park West where you saw a group of young males; is that correct?

A That's correct.

Q And would I be correct that you never made any writing of the description of any of those

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1 REYNOLDS - PEOPLE - CROSS - JOSEPH

2 particular individuals within that group, is that  
3 right?

4 A You mean during the time that we were  
5 looking for them?

6 Q No. Subsequent to the time you saw them,  
7 did you ever write down a description of any of the  
8 individuals who were not seized at that location?

9 A You'll have to be more specific.

10 Q Okay. What I'm asking you is, you saw a  
11 group of young men, correct?

12 A Correct.

13 Q And then, as I understand it, there were two  
14 men that were-- that did not run away and then three  
15 men, according to you, that were seized sometime  
16 later; is that correct?

17 A That's correct.

18 Q Other than those five individuals-- let me  
19 rephrase that.

20 Putting those aside those five individuals, did  
21 you ever report a description of the way any of the  
22 other individuals appeared to you?

23 A No.

24 Q Now, I think you even told Mr. Diller that  
25 you could not recognize any of those particular

1 REYNOLDS - PEOPLE - CROSS - JOSEPH

2 individuals who were not seized at that location,  
3 right?

4 A The ones that ran, right.

5 Q Now, I'd like to ask you-- by the way, I  
6 represent Antron McCray and I think you told us on  
7 direct that there came a time at the precinct when  
8 you saw Antron McCray at the precinct, is that  
9 right?

10 A That's right.

11 Q And would I be correct that when you saw him  
12 he-- withdrawn.

13 Do you know whether at that time Antron McCray  
14 was under arrest?

15 A You're asking me if he was under arrest when  
16 he came to the precinct?

17 Q Yes, when you saw him?

18 A No.

19 Q And are you aware that he had voluntarily  
20 come to that precinct?

21 A Yes.

22 Q And are you aware that he left the precinct  
23 as well voluntarily?

24 A That's correct.

25 Q And I think you told us that you do not know

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1 REYNOLDS - PEOPLE - CROSS - JOSEPH

2 the particular time when you saw him at the  
3 precinct?

4 A That's correct.

5 Q Did you have any conversation with Antron  
6 McCray at the precinct?

7 A I don't believe so.

8 Q And when you say you don't believe so, am I  
9 correct in understanding that as you sit there now,  
10 you don't recall overhearing or taking part in a  
11 conversation with Antron McCray at the precinct that  
12 night?

13 A That's correct.

14 Q Now, you told us that you did take part in  
15 a-- let me rephrase that and I withdraw it.

16 I believe you testified that you were present  
17 when Clarence Thomas was questioned, is that  
18 correct?

19 A That's correct.

20 Q And would I be correct that that was  
21 approximately at 7 a.m.? Check your records.

22 A Which defendant was that now?

23 Q That's Clarence Thomas.

24 THE COURT: Not defendant, just person.

25 A Yes, it was.

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Q And would I be correct that in the room then along with you were several detectives, isn't that right?

A There were two.

Q Detective Farrell and Detective Whelpley?

A That's correct.

Q And I think you told us that during that interrogation of Clarence Thomas that-- you heard the name Antron McCray; is that right?

A Yes.

Q And would I be correct that Clarence Thomas told you that he did not see Antron McCray strike any individual in the park that evening?

A I'd have to look at that to refresh my memory.

Q Please do, if you need to.

MR. JOSEPH: Judge, if I may approach?

THE COURT: Yes. Why don't you do that. Speed it up.

(Mr. Joseph approached the witness.)

Q Does that refresh your recollection?

A Yes.

Q And what is your recollection now?

A I don't recall specifically what he said,

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but if it's in there, it's probably what he told Detective Farrell.

Q And that would be that he did tell Detective Farrell that he did not see Antron McCray actually physically assault anyone; is that correct?

MS. LEDERER: Objection, the witness says he doesn't remember. "If it's in the document then it's probably accurate," but he doesn't remember.

THE COURT: Does that refresh your recollection any further?

THE WITNESS: Not really, no.

Q You do not recall, do you, hearing Clarence Thomas say the opposite, that, in fact, Antron McCray was seen by Clarence Thomas assaulting the jogger or any jogger; do you recall that?

A I don't recall, no.

Q So, you don't recall one way or the other, is that correct?

A That's correct. At that point I had been up all night and was having a problem paying attention to it.

Q Do you recall-- withdrawn.

Do you recall testifying on direct that you

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1 REYNOLDS - PEOPLE - CROSS - JOSEPH  
2 heard Antron-- I'm sorry, that you heard Clarence  
3 Thomas say that Antron assaulted the male jogger?

4 A Could you repeat that?

5 Q Do you recall saying in your direct  
6 testimony that Clarence Thomas made a statement  
7 saying that specifically Antron was the one who  
8 physically struck the jogger?

9 A Meaning if I said that earlier?

10 Q Yes.

11 A I might have.

12 Q But the correct status is that you really  
13 don't recall one way or the other specifically what  
14 Clarence said, is that correct?

15 A Well, looking at this now, that's correct.

16 THE COURT: What is correct?

17 THE WITNESS: What you said about--

18 THE COURT: That you now don't know if  
19 he said that or not?

20 THE WITNESS: Right.

21 Q Do you know whether Clarence Thomas was  
22 questioned about any information he might have  
23 concerning the woman who was found lying in the  
24 park?

25 A The first interview?

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REYNOLDS - PEOPLE - CROSS - JOSEPH

Q In the first interview, yes. We're talking about the interview on April 20th at 7 a.m.

A If I recall properly, he was just asked if anyone else was attacked.

Q All right, and did he indicate-- would I be correct that he did not indicate anything concerning a female in the park being assaulted?

A That's correct.

Q And at the time at 7 a.m. on April 20th, you were aware that a woman had been found in the park, were you not?

A Yes.

Q And to your knowledge, Detective Farrell was aware of that as well; was he not?

A I believe he was.

Q And did Detective Farrell-- withdrawn.

Is it your testimony that Detective Farrell didn't ask any questions specifically about that woman?

A No.

Q He didn't ask him any?

THE COURT: What does "no" mean, that he didn't?

THE WITNESS: That's not my testimony,

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REYNOLDS - PEOPLE - CROSS - JOSEPH

that's not what I'm stating.

Q My question is this, did Detective Farrell ask Clarence Thomas at or about 7 a.m. on April 20th anything concerning a female being attacked in the park?

A I don't-- I'm not sure. I don't think he did. Again, I had been up all night and by that time in the morning I was having a little-- you know, trouble staying awake.

Q Are you aware, Officer, that Detective Farrell made a written record concerning this interrogation of Clarence Thomas?

A Yes.

Q And you have that in front of you?

A Yes.

Q Why don't you look at that and see if that refreshes your recollection as to whether he asked Clarence Thomas anything at all about a woman being attacked in the park.

A At what time are you talking about, which interview?

Q I'm talking about the interview at 7 a.m.

THE COURT: Whose report is this you're showing him?

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1 REYNOLDS - PEOPLE - CROSS - JOSEPH

2 MR. JOSEPH: This is a report of a  
3 Detective J. Farrell.

4 THE COURT: All right.

5 A Nothing about that in the 7:00 interview, I  
6 don't think.

7 THE COURT: The question is, after  
8 reading that does that refresh your  
9 recollection in any way?

10 THE WITNESS: No.

11 Q Are you aware that this is a report--

12 MR. JOSEPH: Your Honor, may I have this  
13 marked for identification. Mine is written  
14 on at the end.

15 THE COURT: Is there a problem in  
16 marking it?

17 MR. JOSEPH: No.

18 (Document marked Defendant McCray's  
19 Exhibit A for identification.)

T15/LF 20

21 Q To your knowledge, Officer, was that the  
22 report prepared by Detective Farrell in reference to  
23 the interview of Clarence Thomas?

24 A Would you repeat that?

25 Q Is what you're holding in your hand, what

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1 REYNOLDS - PEOPLE - CROSS - JOSEPH  
2 has now just been marked for identification, the  
3 report that Detective Farrell made relating to the  
4 interview of Clarence Thomas?

5 A Yes.

6 Q Have you seen that before?

7 A Yes.

8 Q Are you familiar with that as Detective  
9 Farrell's report?

10 A Yes.

11 Q May I see it again?

12 (Handing.)

13 Q You now mention a second interview with  
14 Clarence Thomas, is that correct?

15 A Yes.

16 Q You were present at that interview as well?

17 A Yes.

18 Q And this is approximately 11:30, is that  
19 correct?

20 A Yes.

21 Q And at that second interview, am I correct,  
22 that Clarence Thomas again stated that he did not  
23 see Antron McCray actually strike the victim in the  
24 park?

25 A Yes.

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1 REYNOLDS - PEOPLE - CROSS - JOSEPH

2 Q And am I correct-- withdrawn.

3 In the second interview at 11:30 on April 20th,  
4 did either the detectives or you ask Clarence Thomas  
5 anything whatsoever about the woman that had been  
6 found in the park?

7 A You mean in his house at 11:30?

8 Q Yes.

9 A I don't believe so.

10 Q So, it's your testimony that you knew this  
11 information concerning the woman, correct?

12 A Yes.

13 Q And am I correct that you've told us that  
14 certain individuals were even being held in the  
15 Youth Room to be questioned, is that correct?

16 A Yes.

17 Q And the reason for that was information  
18 about this woman that you had received, is that  
19 right?

20 A That's correct.

21 Q And now you are telling us that you went--  
22 you went to Clarence Thomas' house at 11:30 and  
23 didn't even ask him anything whatsoever about this  
24 woman; is that right?

25 MS. LEDERER: Objection, your Honor,

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1 REYNOLDS - PEOPLE - CROSS - JOSEPH  
2 this witness has testified several times he  
3 has no recollection. Every time he asks the  
4 question, he reads from another report that  
5 he didn't prepare.

6 THE COURT: Anything that can help him  
7 refresh his recollection is permissible.

8 MS. LEDERER: Every time he is asked, he  
9 says no, and then he reads--

10 THE COURT: I will allow the question.

11 Q Is that your testimony?

12 A I believe so, yes. Can I look at this note  
13 again?

14 THE COURT: Sure, that's what you are  
15 supposed to do. Look at it and see if it  
16 refreshes your recollection.

17 Read it. Take some time.

18 Finished?

19 THE WITNESS: Yes.

20 THE COURT: Okay. Now, what is your  
21 question?

22 Q Would I be correct, Officer, that, in fact,  
23 when you went to Clarence Thomas' house, that along  
24 with you were officers from the Sex Crimes Unit?

25 A Not in their apartment, no.

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REYNOLDS - PEOPLE - CROSS - JOSEPH

1  
2 Q But they were along with you when you went  
3 to question Clarence Thomas for a second time, is  
4 that correct?

5 A I believe they met us outside.

6 Q Is that a Detective Rosario?

7 A Yes, he is not from Sex Crimes.

8 Q Detective Rivera and Morin, they are from  
9 Sex Crimes; is that correct?

10 A Yes.

11 Q And Clarence Thomas then got into a vehicle  
12 with you, is that correct?

13 A That's correct.

14 Q And while you were in this vehicle, were you  
15 in the same vehicle with Clarence Thomas?

16 A Yes.

17 Q Did anybody ask Clarence Thomas in the  
18 vehicle about the woman in the park, that was found  
19 in the park?

20 A I don't think he was being questioned in the  
21 car. I don't recall that.

22 Q So, would I be correct that you do not  
23 recall anybody at any point asking Clarence Thomas  
24 about the woman that was found in the park, is that  
25 right?

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REYNOLDS - PEOPLE - CROSS - JOSEPH

A I don't recall, that's correct.

Q You do recall Clarence Thomas being asked about male joggers, is that right?

A That's correct.

Q Isn't it a fact that Clarence Thomas talked to you about when he left the park, is that right; when he, Clarence Thomas, had run out of the park?

A When he ran out of the park?

Q Let me rephrase that. During the time Clarence Thomas was being questioned, he related to you what he said had occurred in the park; is that right?

A He was talking to the detectives.

Q And you were listening, right?

A Yes.

Q And you heard him talking about being in Central Park, is that right?

A Yes.

Q And you heard him talk about leaving the park, is that right?

A That's correct.

Q And you heard him talk about two male joggers in the park, is that correct?

A Yes.

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1 REYNOLDS - PEOPLE - CROSS - JOSEPH

2 Q And you heard him talk about running out of  
3 the park, right, after the incident with the second  
4 jogger; is that right?

5 A I believe it was the second jogger.

6 Q And you didn't hear him say anything at  
7 all-- withdrawn.

8 And he told you that after he ran out of the  
9 park with the incident with the second jogger,  
10 that's when he saw you in the van; is that right?

11 A No.

12 MR. JOSEPH: If I might have one moment?

13 Q Would it be correct that he stated that-- I  
14 will withdraw that.

15 You told us that there came a time when you went  
16 to Antron McCray's house, correct?

17 A That's correct.

18 Q And did you actually go to the door of the  
19 house?

20 A Yes.

21 Q And present with you were how many police  
22 officers or detectives?

23 A Three other detectives.

24 Q And which detectives were those?

25 A Detective Rosario, Detective Rivera and

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1 REYNOLDS - PEOPLE - CROSS - JOSEPH  
2 Detective Morin.

3 Q And were there other detectives or police  
4 officers remaining in the car?

5 A Yes.

6 Q And would I be correct that you knew that  
7 you were going to Antron McCray's house to bring  
8 Antron McCray into the station house?

9 A That's correct.

10 Q And would I be correct that you had learned  
11 information about Antron McCray from Clarence  
12 Thomas; is that right?

13 A Information regarding what?

14 Q You had heard the name from Clarence Thomas?

15 A Yes.

16 Q And would it be correct that when you went  
17 to the house, Antron McCray was going to be  
18 arrested?

19 A I knew he was going to be questioned. As  
20 far as an arrest, I wasn't sure with the way it was  
21 going to go.

22 Q Do you recall that there was any discussion  
23 that you either took part in or overheard among the  
24 detectives about trying to question, bring Antron  
25 McCray in for questioning?

1 REYNOLDS - PEOPLE - CROSS - JOSEPH

2 A Did I hear them discuss that?

3 Q Yes.

4 A No. He was just going to go over to his  
5 house to talk to him and to ask him to come back to  
6 the Central Park Precinct.

7 Q And was there a discussion that if he said  
8 no, he didn't want to come back, we'll just forget  
9 about it?

10 A I don't believe we discussed that.

11 Q Did you discuss at all whether they should  
12 try to obtain items of clothing from Antron McCray?

13 A There was no discussion.

14 Q No discussion that you were a part of,  
15 right?

16 A That's correct.

17 Q But when you went to the house, you had  
18 learned that, from the words of Clarence Thomas,  
19 that Antron McCray had been in the park; is that  
20 right?

21 A Yes.

22 Q And Clarence Thomas at that point had  
23 already been-- withdrawn.

24 At that point Clarence Thomas had already been  
25 charged with , is that right?

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1 REYNOLDS - PEOPLE - CROSS - JOSEPH

2 A Excuse me?

3 Q Clarence Thomas had been charged with  
4 , right?

5 A , yes.

6 Q And Clarence Thomas had told you that Antron  
7 McCray was there too, is that right?

8 A Yes.

9 Q Was it not your intention then to also  
10 arrest Antron McCray for that same offense?

11 A No, it wasn't.

12 Q Did you tell Antron McCray, "If you want to  
13 come down to the precinct, that will be fine. If  
14 you don't want to come, that also is fine"?

15 A No.

16 Q What exactly was said, do you recall?

17 A I didn't tell him anything.

18 Q Did you overhear anybody speaking to Antron  
19 or to his father?

20 A Yes.

21 Q Who was that?

22 A Detective Rosario.

23 Q And would I be correct that Detective  
24 Rosario said that Antron was going to have to come  
25 down to the station for questioning?

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1 REYNOLDS - PEOPLE - CROSS - JOSEPH

2 A That's correct.

3 Q And would I be correct that Sergeant Rosario  
4 directed Antron to put on the same clothes that he  
5 was wearing the night before?

6 A He asked him and his father to put it on.

7 Q Do you recall-- withdrawn.

8 Did you write down the specific words Detective  
9 Rosario said?

10 A No.

11 Q Do you recall the exact words that he said?

12 A No.

13 Q Would I be correct that what Detective  
14 Rosario did was to direct Antron to tell him, "Go  
15 put on the same clothing you were wearing last  
16 night"?

17 A Not in those words.

18 Q But to that effect?

19 A Yes.

20 MS. LEDERER: Objection.

21 THE COURT: I will allow it.

22 Is that substantially what was said?

23 THE WITNESS: He asked Antron and his  
24 father if he could put on the same clothes  
25 he had on last night.

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REYNOLDS - PEOPLE - CROSS - JOSEPH

1  
2 Q I just want to clarify this for my mind.  
3 When you say you don't remember the exact words, you  
4 seem to be saying that he asked rather than he  
5 directed?

6 A That's correct.

7 Q All right. Is it your recollection that you  
8 can recall the specific words and that those words  
9 were just put in a nice way: "Would it be all right  
10 that you put on the same clothes"?

11 A He was asked to do it. I don't recall the  
12 specific words he used, but I do remember it was a  
13 question directed to him and to his father.

14 Q Were you aware, Officer, that at that time  
15 when you went into Antron McCray's house, there was  
16 a large investigation already in progress concerning  
17 the woman that was found in Central Park?

18 A That's right.

19 Q Were you aware that the detectives, the  
20 police department, were very interested, they wanted  
21 to get all items of evidence that could be obtained;  
22 were you aware of that?

23 A As far as evidence, nobody discussed that  
24 with me.

25 Q So, you weren't privy, a part of any

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1 REYNOLDS - PEOPLE - CROSS - JOSEPH

2 discussions about obtaining evidence?

3 A Correct.

4 Q Do you recall whether at Antron McCray's  
5 house whether you or any other officer informed him  
6 that he had a right to an attorney?

7 A I don't recall when his rights were read.

8 Q I am asking you, forget about all the  
9 rights, when you went to his house, you are now  
10 bringing Antron McCray down to the station house for  
11 questioning. Do you recall any officer saying to  
12 him, "You know, you have a right to an attorney"?

13 A That sort of statement is made with his  
14 rights. Either all his rights are read or a  
15 statement like that wouldn't be made.

T16/FR 16

17 Q It's your testimony that you do not recall  
18 hear the rights read to him at his apartment, is  
19 that right?

20 A They might have, I don't recall.

21 Q Do you have any records that would refresh  
22 your recollection as to whether the rights were read  
23 to him at that point?

24 A No.

25 Q By the way, were they-- were all of the

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1 REYNOLDS - PEOPLE - CROSS - JOSEPH

2 officers there-- withdrawn.

3 Of the officers that went in the house were  
4 detectives, and you were the only police officer; is  
5 that correct?

6 A That's correct.

7 Q By the way, you made a memo book entry  
8 relating to going to Antron's house, right?

9 A That's correct.

10 Q And would I be correct that you indicated in  
11 your memo book that you went to his house to pick up  
12 Antron McCray?

13 A Yes. Pick him up to take him to the station  
14 house.

15 MR. JOSEPH: If I may have a moment,  
16 your Honor?

17 Q And it is clear that when you went to the  
18 door, Antron McCray was not wearing the clothing  
19 that he later put on to come to the precinct; is  
20 that correct?

21 A When I came to the door, he wasn't at the  
22 door.

23 Q Did you see him at all prior to seeing him  
24 in the clothes that you testified were all covered  
25 with mud?

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REYNOLDS - PEOPLE - CROSS - JOSEPH

A Yes.

Q And when you saw him, what was he wearing?

A I don't recall what it was.

Q Would I be correct that-- withdrawn.

Did Antron McCray ride to the station house in the same vehicle you were riding in?

A I believe I rode in the same car with Clarence Thomas and his mother.

Q So, you don't know whether there was any conversation or questioning of Antron McCray on the way to the precinct?

A That's correct.

Q Had you had any conversation with any police officers concerning Antron McCray prior to going to his house?

A Yes.

Q With who?

A With my partner, Police Officer Powers.

Q And had you discussed whether there was sufficient evidence to pick up Antron McCray?

MS. LEDERER: Objection.

THE COURT: I'll let him answer.

A My partner just stated to me that one of the kids that were there just came in with, I believe,

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1 REYNOLDS - PEOPLE - CROSS - JOSEPH

2 his mother, but we didn't place him under arrest.

3 Q And when you say you didn't place him under  
4 arrest, you're talking about, that was at the  
5 station house the first time when Antron McCray came  
6 in; is that correct?

7 A That's correct.

8 Q And would I be correct that-- withdrawn.

9 When Antron was brought to the precinct, did you  
10 remain with him?

11 A No.

12 Q Do you know who questioned Antron McCray?

13 A No.

14 Q Do you know how long he remained in the  
15 precinct?

16 A No.

17 Q Do you know how long he remained there prior  
18 to being questioned?

19 A No.

20 Q Do you know how long he had been in the  
21 precinct-- withdrawn.

22 Let me bring you back. You say that during the  
23 early hours of April 20th, you saw Antron McCray at  
24 the precinct when you were sitting there with the  
25 five kids; is that right?

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1 REYNOLDS - PEOPLE - CROSS - JOSEPH

2 A That's correct.

3 Q Do you know how long he was at the precinct  
4 during those early morning hours?

5 A No.

6 MR. JOSEPH: I have no further  
7 questions.

8 THE COURT: All right, recess until  
9 Monday morning at 10 a.m.

10 Who is next?

11 MS. LEDERER: Police Officer Powers. I  
12 don't think we'll finish Powers on Monday.

13 THE COURT: Don't discuss your  
14 testimony, Officer, with anybody.

15 THE WITNESS: Yes, sir.

16 (Hearing was adjourned to Monday,  
17 October 14, 1989, at 10 a.m.)  
18  
19  
20  
21  
22  
23  
24  
25

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# 567

1 SUPERIOR COURT OF THE STATE OF NEW YORK  
2 COUNTY OF NEW YORK : CRIMINAL TERM : PART 59  
3 THE PEOPLE OF THE STATE OF NEW YORK

4 - against - Indictment No.  
5 RAYMOND SANTANA, et. al., 4762-89  
6 Defendants.

7 October 16, 1989

8 BEFORE:

9 HONORABLE THOMAS B. GALLIGAN,  
10 Justice.  
11 (Appearances same as previously noted.)

12 - - - - -

13 COURT CLERK: Number four on the calendar,  
14 Indictment 4762 of 1989; Harry Wise, Yusaf  
15 Salam, Antron McCray, Kevin Richardson, Steven  
16 Lopez, Michael Brisco, and Raymond Santana;  
17 continued hearing.

18 THE COURT: All right, just before we  
19 start, for the record, I just want to indicate  
20 the copies of the transcript, daily transcript  
21 have been provided to all counsel by the  
22 reporters. So the record should be clear on  
23 that.

24 MR. MADDOX: You mean for today?

25 THE COURT: No, for the continuation of

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1 REYNOLDS - PEOPLE - CROSS - RIVERA  
2 the hearing.

3 (Whereupon, the witness, Police Officer  
4 Eric Reynolds, resumed the stand and testified  
5 further as follows:)

6 COURT CLERK: Officer, I'd like to remind  
7 you you're still under oath.

8 THE COURT: I'd also like to remind you to  
9 talk into the microphone.

10 THE WITNESS: Okay.

11 THE COURT: Mr. Joseph, I believe you had  
12 finished; is that correct?

13 MR. JOSEPH: That's correct.

14 THE COURT: Mr. Burns, it is your turn.

15 MR. BURNS: I have no questions of Mr.  
16 Reynolds, Officer Reynolds.

17 THE COURT: Mr. Rivera?

18 MR. RIVERA: Thank you, your Honor.

19 CROSS-EXAMINATION

20 BY MR. RIVERA:

21 Q Officer Reynolds, my name is Peter Rivera and  
22 I represent Mr. Santana. I want to take you to People's  
23 Exhibit 1 and I ask you to take a look at the Juvenile  
24 Room of the Central Park Precinct. Is this the way the  
25 Juvenile Room looked on the evening of April 19th?

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1 REYNOLDS - PEOPLE - CROSS - RIVERA

2 A Pretty much.

3 Q And the legend indicates that there were four  
4 desks, that this diagram has four desks. Were there  
5 four desks on that night in that room?

6 A At least four.

7 Q And this legend also indicates that there were  
8 three lockers. Were there three lockers on that date in  
9 that room?

10 A I'm not sure of the exact number.

11 Q And also that there were four file cabinets.  
12 Were there four file cabinets on that date in that room?

13 A I don't recall that.

14 Q Do you recall the number of chairs in that  
15 room on that date?

16 A No.

17 Q Were there any telephones in that room on that  
18 date?

19 A There are telephones in the room, but some of  
20 them get put away, so --

21 Q What is that room used for during the day  
22 time?

23 A That's the CPOP Auxiliary Community Affairs  
24 Highway Safety office.

25 Q It's used basically as an office during the

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1 REYNOLDS - PEOPLE - CROSS - RIVERA

2 day time; is that correct?

3 A That's correct.

4 Q Would there be a telephone on each desk?

5 A I'm not -- again, I'm not too sure of the  
6 exact number of phones in there.

7 Q When you were there, were there any telephones  
8 in the room?

9 A There were definitely phones in the room.

10 Q When they put the phones away, did they put  
11 them inside the drawers?

12 A Sometimes.

13 Q Do you have access to the drawers inside the  
14 desk?

15 A No, not to the ones --

16 Q Are the drawers locked?

17 A Yes.

18 Q Okay. Now, you were the officer who arrested  
19 Mr. Santana, is that correct?

20 A That's correct.

21 Q And when you arrested Mr. Santana, you  
22 indicated on your testimony on Friday that he made a  
23 statement to you, is that correct?

24 A That's correct.

25 Q And the statement that he made to you was that

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1 REYNOLDS - PEOPLE - CROSS - RIVERA  
2 he was coming from his girlfriend's house; is that  
3 correct?

4 A May I refresh my memory?

5 Q Sure.

6 (Whereupon, the witness perused his  
7 documents.)

8 A Yes, that's correct.

9 Q Did he make any other statement to you at that  
10 point in time when you arrested him?

11 A When I arrested him or when I stopped him?

12 Q When you stopped him.

13 A Pretty much he just stated that he didn't know  
14 the others, and that he had come from his girlfriend's  
15 house.

16 Q And then there came a point in time when you  
17 placed him under arrest; is that correct?

18 A Yes.

19 Q Did you place him under arrest on the street?

20 A Yes.

21 Q And did you place him under arrest at 102nd  
22 Street and Central Park West?

23 A I placed him in the Sergeant's car and brought  
24 him to 100th Street and Central Park West.

25 Q Was he handcuffed when you placed him into the

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1 REYNOLDS - PEOPLE - CROSS - RIVERA

2 Sergeant's car?

3 A Yes, he was.

4 Q When did you handcuff my client? Before or  
5 after the Sergeant got there.

6 A When the Sergeant got there.

7 Q Did the Sergeant instruct you to place the  
8 handcuffs on my client?

9 A No, he didn't. Not that I remember.

10 Q Was my client standing up or was he lying on  
11 the floor?

12 A He was standing up.

13 Q And when, for the first time, did you  
14 ascertain that my client was Hispanic?

15 A I'm not really sure. Probably at the time I  
16 was speaking to him.

17 Q When did you ask him his name?

18 A I don't recall exactly when.

19 Q Isn't it a fact that you asked him his name at  
20 the precinct?

21 A I did ask him at the precinct, yes.

22 Q And you asked him for his address at the  
23 precinct?

24 A Yes, for his address also.

25 Q And that was the first time you asked him for

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1 REYNOLDS - PEOPLE - CROSS - RIVERA

2 his name and address; is that correct?

3 A I can't say that is correct. Sometimes I ask  
4 them their names on the street. You know, because there  
5 were so many I might have asked him several times.

6 Q Isn't it a fact that the first time you asked  
7 my client his name and address was at the precinct?

8 A I'm not sure.

9 THE COURT: Both of those together?

10 MR. RIVERA: Yes.

11 THE WITNESS: I'm not sure.

12 Q Well, let's get back to the address. Isn't it  
13 a fact that the first time you asked my client for his  
14 address was at the precinct?

15 A Again, I'm not sure if that was the first  
16 time.

17 Q You never questioned my client on the street;  
18 is that correct?

19 A That's correct.

20 Q And when you transported my client to 100th  
21 Street, you didn't question him there, is that correct?

22 A I didn't transport him to 100th Street.

23 Q When my client was at 100th Street and Central  
24 Park West, you didn't ask him any questions there; is  
25 that correct?

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1 REYNOLDS - PEOPLE - CROSS - RIVERA

2 A Again, if I asked him anything, it might have  
3 been what his first name was. I don't recall if I asked  
4 him at that point.

5 Q But if you asked him any questions, you would  
6 have asked him what his first name is; is that correct?

7 A Yes.

8 Q You wouldn't have asked him any other  
9 questions; is that correct?

10 A No, there was no need to.

11 Q And he was in handcuffs; is that correct?

12 A Not until the Sergeant got there.

13 Q When you got to 100th Street, did you ask my  
14 client or Mr. Lopez if those were the individuals who  
15 they claim said some shit about robbing them?

16 A No.

17 Q Did you question them as to anything about the  
18 statement in which Mr. Lopez indicated that these  
19 individuals were about to rob them?

20 A Which individuals?

21 Q The other individuals that were in the other  
22 car at 100th Street were about to rob them?

23 A No.

24 Q How many Hispanics did you see at Central Park  
25 West and 102nd Street in that group?

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1 REYNOLDS - PEOPLE - CROSS - RIVERA

2 A Which group?

3 Q The group of ten to fifteen individuals that  
4 were walking northbound on Central Park West near 102nd  
5 Street?

6 A I don't know.

7 Q Did you count them?

8 A No.

9 Q Did you specifically -- do you have any  
10 specific recollection of seeing my client walking up on  
11 102nd Street and Central Park West?

12 A At what point?

13 Q When you first saw the group of ten to fifteen  
14 individuals.

15 A Did I specifically see them?

16 Q Do you have any specific recollection of  
17 seeing Mr. Santana walking up the street on Central Park  
18 West and 102nd Street?

19 A No, there was just one group.

20 Q You didn't specifically see my client,  
21 whatever he might have been doing; is that correct?

22 A That's correct.

23 Q He might have been talking to other  
24 individuals; is that correct?

25 A Which other?

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1 REYNOLDS - PEOPLE - CROSS - RIVERA

2 Q Some of the other individuals that were  
3 walking at 102nd Street and Central Park West?

4 A You mean the group that ran?

5 Q That's correct.

6 A He might have been.

7 Q And you have no specific recollection; is that  
8 correct?

9 A That's correct.

10 Q Were there other people that were walking in  
11 that area?

12 A On that side of the street?

13 Q On that side of the street, yes.

14 A I don't think so. If there were -- maybe one  
15 or two.

16 Q And at Central Park West near that area, you  
17 had tenement houses on that side of the street, is that  
18 correct?

19 A I'm not sure of the exact definition of a  
20 tenement.

21 Q You have multiple dwelling residential units,  
22 you know what that is?

23 A That's correct.

24 Q And do you know what a tenement house is?

25 A An apartment building.

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1 REYNOLDS - PEOPLE - CROSS - RIVERA

2 Q There are apartment buildings; is that  
3 correct?

4 A That's correct.

5 Q And are these four and five story structures?

6 A I guess. I never bothered to count them. I  
7 don't know if they're four or five or six or seven.

8 Q They're not twenty or thirty story structures,  
9 is that correct?

10 A On which block?

11 Q On any street between 100th and 110th Street,  
12 are there any twenty and thirty story structures and any  
13 four and five story structures?

14 A Probably.

15 Q It's basically a residential area; is that  
16 correct?

17 A That's correct.

18 Q And the area that is there is basically a  
19 mixed residential community; is that correct?

20 A That's correct.

21 Q You have a lot of Hispanics that live there, a  
22 lot of blacks that live there and you have some whites  
23 that live there; is that correct?

24 A That's correct.

25 Q And they - withdrawn.

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1 REYNOLDS - PEOPLE - CROSS - RIVERA

2 Now, getting back to when you stopped my client,  
3 you received a radio run of an individual who you later  
4 found out to be Mr. Loughlin had been assaulted at 9:30;  
5 is that correct?

6 A I'm not sure exactly of the time.

7 Q Approximately 9:30.

8 A Approximately 9:30? No.

9 Q And you stopped my client --

10 A No, that's not right.

11 Q What time would that have been, Officer?

12 A It wasn't 9:30.

13 Q Do you recall the time?

14 A No.

15 Q Do you have notes that would refresh your  
16 recollection?

17 A No.

18 Q Okay. It was earlier in the evening; is that  
19 correct?

20 A Earlier than 9:30?

21 Q Withdrawn. Earlier than the time you arrested  
22 my client?

23 A That's correct.

24 Q Would that be about forty-five minutes early?

25 A I'm not sure of the exact time.

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1 REYNOLDS - PEOPLE - CROSS - RIVERA

2 Q You never spoke to Mr. Loughlin, is that  
3 correct?

4 THE COURT: Spoke to who?

5 MR. RIVERA: Mr. Loughlin.

6 THE WITNESS: Yes.

7 Q You did speak to him?

8 A Yes.

9 Q At what point in time did you speak to him?

10 A Next day.

11 Q But that evening you hadn't spoken to Mr.

12 Loughlin; is that correct?

13 A That's correct.

14 Q All you had was a radio run that you heard  
15 over the air with reference to Mr. Loughlin's assault in  
16 Central Park; is that correct?

17 A We had more radio runs than that.

18 Q You arrested my client for the unlawful  
19 assembly near Mr. Loughlin; is that correct?

20 A That was one of the incidents.

21 Q You testified on Friday that the incident for  
22 which you arrested my client was for the unlawful  
23 assembly of Mr. Santana at Central Park around the time  
24 that Mr. Loughlin was assaulted; is that correct? Was  
25 that your testimony on Friday?

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1 REYNOLDS - PEOPLE - CROSS - RIVERA

2 A That's correct. But I didn't mean to say it  
3 was the only incident.

4 Q For what other incident did you arrest my  
5 client?

6 A All the other incidents of harrassing  
7 passers-by. We considered it to be the same group.

8 Q How many separate incidents were there?

9 A Off-hand I don't recall.

10 Q But you do recall it was more than one; is  
11 that correct?

12 A That's correct.

13 Q And you didn't see my client in Central Park  
14 assaulting anybody; is that correct?

15 A That's correct.

16 Q And did you have any witnesses when you  
17 arrested my client with reference to the harrassment of  
18 people in Central Park? Did you have the names and  
19 address of any witnesses at the time that you arrested  
20 my client?

21 MS. LEDERER: Objection.

22 THE COURT: I'll allow it.

23 A Yes, we had names of witnesses.

24 Q Other than Mr. Loughlin, you had other names?

25 A Yes.

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1 REYNOLDS - PEOPLE - CROSS - RIVERA

2 Q Do you recall the names of the other  
3 individuals?

4 A No, I don't.

5 MS. LEDERER: Objection.

6 Q You didn't speak to those other individuals;  
7 is that correct?

8 A Yes, I did.

9 Q Had you spoken to these individuals prior to  
10 arresting my client?

11 A No.

12 Q Now, when you arrested my client, could you  
13 describe what he was wearing?

14 A I don't recall what he was wearing.

15 Q Is it a fact that he was wearing sneakers?

16 A I don't recall.

17 Q You don't recall anything about what he was  
18 wearing; is that correct?

19 A No.

20 Q Did you ever take my client to a show-up at  
21 Central Park with Mr. Loughlin?

22 A A show-up, where?

23 Q A show-up inside the park with Mr. Loughlin?

24 A No.

25 Q Officer, you prepared various reports in

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1 REYNOLDS - PEOPLE - CROSS - RIVERA

2 reference to these arrests; is that correct?

3 A That's correct.

4 Q And the reports that you prepared on the  
5 evening of April 19th to April 20th consisted of a  
6 complaint, of an on-line booking system arrest  
7 worksheet, of a supporting deposition for the Family  
8 Court, probation intake referral report, the desk  
9 appearance ticket and the appearance ticket for Family  
10 Court; is that correct?

11 A That's correct.

12 Q Did you prepare any other reports?

13 A Could you repeat those reports again.

14 Q Sure. Do you have the reports that you  
15 prepared with you, Officer?

16 A Yes.

17 Q And in reference to my client, Mr. Santana,  
18 you prepared, again, a complaint report?

19 A Right.

20 Q And an on-line booking system arrest  
21 worksheet?

22 A That's correct.

23 Q Supporting deposition?

24 A Yes.

25 Q A probation intake referral report?

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1 REYNOLDS - PEOPLE - CROSS - RIVERA

2 A Yes.

3 Q Desk appearance ticket and an appearance  
4 ticket in the Family Court?

5 A Yes.

6 Q Any other reports?

7 A Desk appearance ticket investigation. That's  
8 it, I believe.

9 Q I'm sorry. Desk appearance ticket  
10 investigation report, right.

11 Now, you prepared the same report for each of the  
12 individuals; is that correct?

13 A That's correct.

14 Q For each of the five individuals that you  
15 arrested on the night of April 19th; is that correct?

16 A That's correct.

17 Q And although Officer -- although your partner  
18 stopped three of the individuals, you were the one who  
19 arrested all of the individuals; isn't that correct?

20 A That's correct.

21 Q Isn't that unusual, Officer, for an officer  
22 not making the arrest of individuals that he stops?

23 A No, it's not.

24 Q It happens all the time; is that correct?

25 A That's correct.

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1 REYNOLDS - PEOPLE - CROSS - RIVERA

2 Q Okay. In fact, of the individuals that were  
3 arrested, three were arrested for felonies and two were  
4 arrested for misdemeanors; is that correct?

5 A That's correct.

6 Q How long have you been with Anti-Crime?

7 A About six months.

8 Q And how long have you been with the police  
9 department?

10 A Eight years.

11 Q Okay. And the kind of police officer who gets  
12 into Anti-Crime is an active cop?

13 MS. LEDERER: Objection.

14 THE COURT: I will allow it.

15 A That's correct.

16 Q It's a police officer that makes a lot of  
17 arrests; is that correct?

18 A That's correct.

19 Q And Anti-Crime is considered a career path; is  
20 that correct?

21 A I believe so.

22 Q From Anti-Crime, you go to Street Crime, is  
23 that correct?

24 A That's one of the options.

25 Q Or you can go to Organized Crime; is that

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1 REYNOLDS - PEOPLE - CROSS - RIVERA

2 correct?

3 A That's correct.

4 Q And ultimately you end up with a detective  
5 shield, is that correct?

6 A From a couple of the units you mentioned.

7 Q Right. And how many arrests did you make in  
8 the month of April?

9 MS. LEDERER: Objection.

10 THE COURT: Sustained.

11 Q Isn't it a fact, Officer, that police officers  
12 who work in Street Crime are required to make five  
13 misdemeanor collars and three felony collars a month?

14 MS. LEDERER: Objection.

15 THE COURT: I'll allow it.

16 MS. LEDERER: He said Street Crime.

17 THE COURT: Anti-Crime.

18 Q Well, Anti-Crime. Isn't it a fact that  
19 officers in Anti-Crime are required to make five  
20 misdemeanor collars and three felony collars a month?

21 A No.

22 Q Is there a requirement, a quota system?

23 A No.

24 Q When you arrested my client, Mr. Santana, you  
25 had no statements from anyone incriminating my client

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1 REYNOLDS - PEOPLE - CROSS - RIVERA

2 being in the park; is that correct?

3 A I don't believe so.

4 Q Well, did you -- if you had any statement from  
5 anyone, you would have made notes of them?

6 A No. What statements are you talking about?  
7 Statements made to me?

8 Q Statements made to you?

9 A Yes.

10 Q Would you have made notes of them?

11 A Yes.

12 Q You had no statements from anyone  
13 incriminating my client in the park.

14 A No statement made to me.

15 Q Did you have statements made to you from any  
16 police officers or any witnesses as to what happened in  
17 Central Park before you arrested my client?

18 A No.

19 Q Okay. Did you have any scientific evidence  
20 that placed my client in the park, in Central Park on  
21 the night of April 19th?

22 A No.

23 Q Did my client ever make a statement to you  
24 about being in the park on the night of April 19th?

25 A I don't believe so.

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1 REYNOLDS - PEOPLE - CROSS - RIVERA

2 Q Did any witness identify my client as being in  
3 the park on the night of April 19th before you arrested  
4 him?

5 A No.

6 Q Okay. Shortly after you arrested him, or  
7 between 10:30 and 12:00 midnight, did anybody come to  
8 you and identify my client as being in the park on the  
9 night of April 19th?

10 A No.

11 Q Between 9:30 and 6:00 o'clock in the morning  
12 of April 20th, did anybody come to you and identify my  
13 client as being in the park on April 19th?

14 A No.

15 Q Now, Officer, getting back to the booking  
16 system arrest sheet, do you have a copy of the arrest  
17 sheet before you?

18 A Yes, I do.

19 Q And I ask you to look at line nineteen where  
20 it indicates telephone calls. This is in reference to  
21 Mr. Raymond Santana. I'd ask you to tell the Court what  
22 that notation is?

23 A It says "refused".

24 Q Okay. Now, that's any telephone calls my  
25 client would have made; is that correct?

1 REYNOLDS - PEOPLE - CROSS - RIVERA

2 A That's correct.

3 Q And I ask you to look at the second page of  
4 that same worksheet and again, look at line nineteen.  
5 Is there a notation there?

6 A Yes.

7 Q And what does that notation indicate?

8 A "Refused".

9 Q I ask you to look at the worksheets for each  
10 and every defendant that you arrested on the night of  
11 April 19th. I am going to ask you to look at the  
12 worksheet for Mr. Lopez, Mr. Richardson, Mr. Thomas and  
13 the other individuals and ask you to look at line  
14 nineteen. Could you tell the Court what each and every  
15 one of these -- what each and every one of those  
16 notations --

17 MR. BURNS: Are we talking about something  
18 that's a piece of paper?

19 MR. RIVERA: Yes, the on-line booking  
20 system arrest worksheet.

21 MR. BURNS: Do you want to mark it? You  
22 don't care? Okay, all right.

23 Q What does each and every one indicate?

24 A That they refused.

25 Q As to the five individuals who were arrested,

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1 REYNOLDS - PEOPLE - CROSS - RIVERA

2 each and every one refused to make a telephone call; is  
3 that correct?

4 A That's -- well, for our purposes, yes.

5 Q When you say for your purposes, what do you  
6 mean for your purposes? Did you ask them to make a  
7 telephone call?

8 A It wasn't necessary.

9 Q it wasn't necessary for them to make telephone  
10 calls?

11 A Their parents were coming.

12 Q When it came to my client, you had no  
13 information that my client's parents were coming; is  
14 that correct?

15 A Originally, we did. His father stated he was  
16 coming in.

17 Q Now, when it came to one o'clock in the  
18 morning, did you ask my client if he wanted to make a  
19 telephone call?

20 A I'm not sure if it was at one, but we asked  
21 for your client for the name of somebody we could call  
22 up for him which he wouldn't do.

23 Q My client gave you the name of anybody who  
24 could be used?

25 A We finally convinced him to give his father's

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1 REYNOLDS - PEOPLE - CROSS - RIVERA  
2 name.

3 Q You said the word "convinced". Did you offer  
4 my client the opportunity to make a phone call when he  
5 refused to give you the name of an individual?

6 A No.

7 Q You never offered a telephone call to him; is  
8 that correct?

9 A No. I asked him if we could call somebody to  
10 come pick him up.

11 Q And when you called my client's father at  
12 twelve midnight, that was your testimony on Friday; is  
13 that correct?

14 A No.

15 Q What time did you call my client's father the  
16 first time?

17 A I didn't.

18 Q Okay. Who was the first -- did my client give  
19 you the telephone number of someone that could be  
20 reached?

21 A He gave me the phone number of his sister.

22 Q Did he ever give you a telephone before  
23 two-thirty in the morning of someone that could be  
24 reached to come pick him up.

25 Q Did he ever give you his father's telephone

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2 number?

3 A No, he gave it to my partner.

4 Q Okay. Did your partner make a telephone call?

5 A Yes, he did.

6 Q What time did your partner make the telephone  
7 call?

8 A It was around the time we got into the station  
9 house.

10 Q That would be about twelve o'clock in the  
11 evening?

12 A No. That was a little after eleven.

13 Q That would be a little after eleven in the  
14 evening; is that correct?

15 A That's correct.

16 Q And did your partner indicate to you that he  
17 had contact with somebody?

18 A Yes.

19 Q And do you have that telephone number that my  
20 client gave before you or in your notes?

21 A Yes.

22 Q Can I see it, Officer.

23 (Handing to defense counsel by the  
24 witness.)

25 Q That's the same telephone number that's listed

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1 REYNOLDS - PEOPLE - CROSS - RIVERA  
2 on the probation intake referral report; is that  
3 correct?

4 A That's correct

5 Q And that's the telephone number where it  
6 indicates father's name; is that correct?

7 A That's correct.

8 Q And that would be the home telephone number;  
9 is that correct?

10 A I'm assuming that it is.

11 Q And right next to it is a business telephone  
12 number; is that correct?

13 A Yes.

14 Q And that is the telephone number that my  
15 client gave you, gave your partner on the evening of  
16 April 19th; is that correct?

17 A That's correct.

18 Q Okay. Now, you indicated that at about  
19 two-thirty you were not able to -- withdrawn.

20 You indicated that about two-thirty no one had come  
21 to speak to my client; is that correct?

22 A That's correct.

23 Q And what time did you tell my client's father  
24 to appear at the station house?

25 A Again, I didn't speak to his father.

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1 REYNOLDS - PEOPLE - CROSS - RIVERA

2 Q Were the parents of each and every one of the  
3 individuals at the station house at that time?

4 A Just about all of them, I believe.

5 Q Was anybody missing?

6 A I don't recall.

7 Q But you do recall speaking to my client and  
8 asking him to give you another telephone number; is that  
9 correct?

10 A That's correct.

11 Q And that would be about two-thirty; is that  
12 correct?

13 A About that time.

14 Q And Kevin Richardson's mother had already been  
15 at the precinct; is that correct?

16 A Yes.

17 Q And you had told her that her son would be  
18 released in a short time; is that correct?

19 A That's correct.

20 Q And had you told these individuals they would  
21 be released shortly also?

22 A That's correct.

23 Q You told each and every one of the individuals  
24 that they would be released in a short while after their  
25 parents came to pick them up; is that correct?

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2 A After all the parents appeared, yes.

3 Q All you were waiting for was my client's  
4 parents to show up at two-thirty; is that correct --  
5 withdrawn.

6 The only thing you were waiting for was for my  
7 client's parents to show up in order to release all of  
8 the individuals?

9 A That's correct.

10 Q And my client's parents showed up at  
11 four-thirty; is that correct?

12 A His grandmother.

13 Q When four-thirty came, you still didn't  
14 release my client; is that correct?

15 A That's correct.

16 Q You indicated also last week that you were  
17 waiting for a search on warrants; is that correct, a  
18 warrant search?

19 A That was one of the things.

20 Q And you indicated last week that the warrant  
21 search came through about six o'clock, is that correct?

22 A I don't recall if I said a specific time.

23 Q Well, do you recall what time the warrant  
24 search came through?

25 A I don't remember specifically the time, no.

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2 Q Now, a warrant search is comprised of a  
3 telephone call; is that correct?

4 A It could be.

5 Q What do you do when you make a warrant  
6 search?

7 A What do I do?

8 Q Do you make a telephone call?

9 A In some cases.

10 Q And other than -- well, what did you do in  
11 this case? Did you make a telephone call for a warrant  
12 search?

13 A I don't recall if I used our computer or I  
14 called.

15 Q You have a computer in the precinct; is that  
16 correct?

17 A That's correct.

18 Q And most of the time you used the computer in  
19 the precinct to do a warrant search; is that correct?

20 A When it's working.

21 Q And you have no special recollection whether  
22 the computer was working on this evening; is that  
23 correct?

24 A That's correct.

25 Q And the computer takes approximately ten or

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2 fifteen minutes to answer back whether there was a  
3 warrant on any of the individuals?

4 A It varies.

5 Q Well, what's the longest that it takes for a  
6 computer to answer back as to whether or not there is or  
7 is not a warrant?

8 A I don't know.

9 Q Assuming that the computer is working, how  
10 long does it take?

11 A On an average?

12 Q On an average.

13 A Maybe five, ten minutes.

14 Q Five, ten minutes. Did you make the search  
15 for warrants on these individuals? Did you enter the  
16 information into the computer?

17 A No.

18 Q Did your partner do it?

19 A Probably not.

20 Q Do you know who did it?

21 A No.

22 Q Okay. What information goes into the computer  
23 to get the warrant search? Isn't it a fact you enter  
24 the name, the address and the date of birth?

25 MS. LEDERER: Objection. The witness

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2 should be allowed to answer the question.

3 THE COURT: I'll allow it.

4 Q Isn't it a fact that the only information the  
5 computer requires for a warrant search is the name,  
6 address, and the date of birth?

7 A No.

8 Q What other information is required?

9 A You need the race.

10 Q And those are the four items of information  
11 that the computer requires to make a warrant search; is  
12 that correct?

13 A You still need more.

14 Q What other information do you require?

15 A To put in the operator's name.

16 Q That's the one who's asking for the  
17 information; is that correct?

18 A That's correct.

19 Q What else?

20 A I believe they need a password.

21 Q The inputting of all this information for any  
22 particular individual would take about twenty, thirty  
23 seconds; is that correct?

24 A I don't know.

25 Q It takes less than a minute; is that correct?

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2 A Probably.

3 Q And have you done this yourself, have you  
4 inputted this information into the computer?

5 A No.

6 Q You never done this mechanical transaction?

7 A No.

8 Q Is somebody assigned to the precinct that  
9 inputs this information into the computer?

10 A Yes.

11 Q Do you recall the individual who had that  
12 responsibility on the night of April the 19th?

13 A No.

14 Q Is it a police officer or is it a civilian?

15 A I don't know.

16 Q Now, getting back to the probation intake  
17 referral report that you made out on my client, there's  
18 a notation that you advised my client of his  
19 constitutional rights. Do you see that, Officer?

20 A Yes.

21 Q That's incorrect, isn't it?

22 A Yes, it is.

23 Q That's not your testimony; is that correct?

24 A That's correct.

25 Q You never advised my client of his

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2 constitutional rights; is that correct?

3 A Correct.

4 Q Looking further down there's a notation that  
5 my client ran four blocks before being apprehended.

6 That's incorrect there also, isn't it?

7 A You're right, that's for the other defendants.

8 Q My client never ran four blocks before being  
9 apprehended; is that correct?

10 A That's correct.

11 Q Both these notations in this report are  
12 incorrect?

13 A That's correct.

14 Q And getting back to the desk appearance ticket  
15 there's a notation that the desk appearance ticket --  
16 there's a notation there that you had arrested my client  
17 there for assaults. That's incorrect also?

18 A Right.

19 Q Never arrested my client for assault?

20 A That's correct.

21 Q When you first observed my client, my client  
22 was going northbound on Central Park West?

23 A Yes.

24 Q With a group of individuals?

25 A Yes.

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1 REYNOLDS - PEOPLE - CROSS - RIVERA

2 Q And you were travelling southbound; is that  
3 correct?

4 A No.

5 Q You were travelling northbound also; is that  
6 correct?

7 A When I first observed him?

8 Q Yes.

9 A No.

10 Q Where were you travelling?

11 A Travelling west.

12 Q You were coming out of the park?

13 A Yes.

14 Q At 102nd Street?

15 A No.

16 Q Where were you coming out of?

17 A 100th Street.

18 Q And they were approximately two blocks away;  
19 is that correct?

20 A No, they were one block.

21 Q They were between 101st and 102nd Street, I  
22 think that was your testimony?

23 A They had just come onto -- they had just  
24 crossed 101st Street onto 102nd Street. I mean, between  
25 that -- on that block.

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2 Q And you were exiting the block at 100th  
3 Street; is that correct?

4 A That's correct.

5 Q And then you made a right-hand turn and went  
6 northbound on Central Park West; is that correct?

7 A That's correct.

8 Q And then you passed these individuals and made  
9 a U-turn; is that correct?

10 A No.

11 Q You passed these individuals and made a  
12 left-hand turn; is that correct?

13 A That's correct.

14 Q And then you blocked the traffic lane at  
15 Central Park West and 102nd Street; is that correct?

16 A That's correct.

17 Q In other words, cars that had to come down had  
18 to go around your automobile in order to proceed  
19 southbound; is that correct?

20 A There was still one lane open.

21 Q But your vehicle was perpendicular to the  
22 roadway at Central Park West; is that correct?

23 A That's correct.

24 Q Now, you indicated there was a police scooter  
25 that was next to you; is that correct?

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1 REYNOLDS - PEOPLE - CROSS - RIVERA

2 A Yes.

3 Q And who was driving that police scooter?

4 A Police Officer Flores.

5 Q And did Police Officer Flores make any arrests  
6 of any individuals on the night of April 19th?

7 A Not that I know of.

8 Q And did you see Police Officer Flores after  
9 you made the arrest -- withdrawn.

10 Did you see Police Officer Flores at 100th Street  
11 and Central Park West when you had my client there?

12 A I don't recall. There were a lot of cops  
13 there.

14 Q Did you see Police Officer Flores at any given  
15 point in time after eleven o'clock on the night of April  
16 19th?

17 A I probably did.

18 Q But you did not see him on the street, don't  
19 have any specific recollection?

20 A I didn't see who on the street?

21 Q Officer Flores.

22 A At what point?

23 Q On the street near eleven o'clock either at  
24 100th Street or after the incident on 102nd Street?

25 A You mean right before the incident or right

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2 after?

3 Q After the incident you didn't see Officer  
4 Flores?

5 A I might have. Again, I don't recall.

6 Q Officer, do you have the complaint that was  
7 made in reference to the arrest of my client? I think  
8 it's Complaint Number 282.

9 A Yes.

10 Q Can you take that out, Officer? There's a  
11 notation there, when it talks about victim. I'm  
12 referring to Box Number 1. You see that on the  
13 left-hand side, Officer?

14 A On the complaint report?

15 Q On the complaint report.

16 A The typed complaint report, yes.

17 Q Okay. When it talks about "victim", who's the  
18 victim there?

19 A "People of the State of New York".

20 Q When it talks about witness, which is a little  
21 further down from that area, whose name is listed there?

22 A It's my name.

23 Q Is there any other witness that's listed  
24 there?

25 A Well, my name isn't listed as a witness. If

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1  
2 you look at it closely the box reporter is typed in  
3 because I'm the one who is making the report.

4 Q If there had been a witness, where would you  
5 have listed his name on the complaint report?

6 A Either in the witness box or on the bottom in  
7 details.

8 Q Is there any indication on this report that  
9 Mr. Loughlin is the witness on this matter?

10 A Other than to look at the other complaint  
11 report, no.

12 Q From this complaint report there's no  
13 indication that Mr. Loughlin is a complainant in this  
14 matter; is that correct?

15 A Other than looking at the complaint report,  
16 no.

17 Q You could have put Mr. Loughlin's name where  
18 it said, "witness", is that correct?

19 A I could have.

20 Q And that box specifically is either for the  
21 reporter or for the witness of a crime; is that correct?

22 A That's correct.

23 Q And when somebody is a witness to a crime, you  
24 would have put that person's name there; is that  
25 correct?

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2 A No.

3 Q Looking at the report with reference to the  
4 assault of Mr. Loughlin, do you have those complaint  
5 reports with you?

6 A No. I didn't prepare that report.

7 Q Now, you arrested my client for unlawful  
8 assembly which is a b-misdemeanor; is that correct?

9 A I believe so.

10 Q And there were no other charges at the time  
11 against my client; is that correct?

12 A No.

13 Q And you didn't have an arrest warrant to  
14 arrest my client; is that correct?

15 A That's correct.

16 Q Now, had this case gone to trial you would  
17 have testified -- the witnesses that would have been  
18 called would have been yourself; is that correct?

19 MS. LEDERER: Objection.

20 THE COURT: Objection sustained.

21 Q Did you make any phone calls from the Juvenile  
22 Room on the night of April 19th?

23 A Yes.

24 Q And you called my client's grandmother; is  
25 that correct?

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2 A That's correct.

3 Q You speak any Spanish?

4 A No.

5 Q You indicated last time that my client's  
6 grandmother spoke to you in English; is that correct?

7 A That's correct.

8 Q You never spoke to a male individual who  
9 answered the phone on that night; is that correct?

10 A I might have.

11 Q Well, is it your testimony that you did speak  
12 to somebody on the night of April 19th?

13 A Yes.

14 Q A man who answered the phone on April 19th?

15 A I don't recall. I do recall speaking to his  
16 grandmother.

17 Q And --

18 A It was a very brief conversation.

19 Q And the number that you used to call the  
20 grandmother, was that the same telephone number that you  
21 listed on the probation intake referral report?

22 A That I don't recall

23 Q Did you make any specific notation of my  
24 client's grandmother's telephone number?

25 A No.

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REYNOLDS - PEOPLE - CROSS - RIVERA

1  
2 Q Did you make any specific notation of my  
3 client's grandmother's address?

4 A What I did was, I wrote it down on a small  
5 piece of paper and handed it to the officers who went to  
6 pick her up.

7 Q You don't have that paper with you; is that  
8 correct?

9 A No.

10 Q Other than the fact that you indicate my  
11 client's father's address on the probation intake  
12 referral report, you don't have any other notation as to  
13 what my client's father's address is; is that correct?

14 A I believe so.

15 Q And you have no notation as to my client's  
16 grandmother's telephone number; is that correct?

17 A No, that's correct.

18 Q Or my client's grandmother's address?

19 A That's correct.

20 Q Do you have any specific notation as to who my  
21 client lived with on the night of April 19th?

22 A Yes.

23 Q Who did he live with?

24 A It states he lives with his father.

25 Q Was there any indication that he lived with

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1 his grandmother?

2 A On the --

3 Q On any of your reports?

4 A No. I said I put -- I put down that he lived  
5 with his father.

6 Q Now, you testified that my client made a  
7 statement in the precinct when he was speaking to Mr.  
8 Richardson; is that correct?

9 A That's correct.

10 Q And the statement was in sum and substance  
11 that "we'll hang out together -- we're going to  
12 Spoffard's House and we'll hang out together," is that  
13 right?

14 A That's part of it.

15 Q What else did he say?

16 A He said they will fuck up anybody who got in  
17 their way.

18 Q Now, this was at about two-thirty in the  
19 morning; is that correct?

20 A I'd have to check.

21 Q Check your notes.

22 A Yeah, it's correct, about two-fifteen.

23 Q And you testified on Friday that the reason  
24 why my client said this was because he felt that he was  
25

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1 not going to be going out that night; is that correct?

2 A I don't recall that's what I testified to.

3 Q Well, Mr. Richardson had his mother at the  
4 precinct on that night; is that correct?

5 A That's correct.

6 Q And as far as Mr. Richardson knew, he was  
7 going to be going out that night; is that correct?

8 A That's correct.

9 Q If you had testified on Friday that the reason  
10 he said that was because Mr. Richardson and he were  
11 going to go to Spoffard that evening, that's not a true  
12 statement on your part; is that correct?

13 MS. LEDERER: Objection.

14 THE COURT: Objection sustained.

15 Q As far as the individuals that were in the --  
16 the five individuals that you had arrested, they were  
17 under the impression that they were leaving that  
18 evening; is that correct?

19 MS. LEDERER: Objection.

20 THE COURT: I'll let him answer, if they  
21 said anything to them.

22 THE WITNESS: Yes.

23 Q They were under the impression they were  
24 leaving that evening; is that correct?  
25

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1 A Yes.

2 MS. LEDERER: Object to the form.

3 THE COURT: Yes, the form is wrong.

4 Q You had indicated to them that they were going  
5 to be leaving that evening; is that correct?  
6

7 A That's what I thought.

8 Q And they had no other information other than  
9 what you told them, that they would be out on that  
10 evening?

11 A I don't understand the question.

12 Q There was no separate information that you  
13 might have overheard which would indicate that they  
14 would not have been going out that evening; is that  
15 correct?

16 A There came a point in time when they weren't  
17 going to leave.

18 Q Before four o'clock in the morning, the five  
19 individuals that you arrested were going to be leaving  
20 shortly that evening; is that correct?

21 A If all their parents came.

22 Q Now, when you saw these individuals -- this  
23 group of ten or fifteen individuals that were walking up  
24 on Central Park West, you did not happen to overhear any  
25 conversations; is that correct?

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A Whose conversation?

Q The conversation of the ten to fifteen individuals that were walking?

A No.

Q The group of children that were walking northbound on Central Park West?

A No, I didn't hear any children.

Q You didn't know where they were going; is that correct?

A I knew -- other than they were headed north, that was it.

Q And you had no information as to what time my client joined that group?

A That's correct.

Q Before you arrested him; is that correct?

A That's correct.

Q Officer, you had no specific information at what time my client joined that group at Central Park West; is that correct?

A That's correct.

THE COURT: Talk louder. Just talk up. Apparently we are having some mechanical difficulty.

MR. RIVERA: Shall we continue, your

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Honor?

Q You will have to speak louder, Officer.

And you did not see this group coming out of the park; is that correct?

A That's correct.

Q And all you had was a hunch that my client was in the park with this group; is that correct?

MS. LEDERER: Objection.

THE COURT: I'll let him answer.

THE WITNESS: You repeat that question?

Q All you had was a hunch that my client was in the park with this group; is that correct?

A It was a little more than a hunch.

Q Well, did you -- you didn't see my client in the park; is that correct?

A That's correct.

Q My client did not make any statement to you; is that correct?

A He made statements.

Q Well, the statement that he made did not incriminate him being in the park; is that correct?

A That's correct.

Q And you had no witness that put my client in the park on that evening; is that correct?

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1 A That evening?

2 Q That evening; that's the evening we're talking  
3 about. Are we talking about another evening, Officer?

4 MS. LEDERER: Objection.

5 THE COURT: Just ask your question.

6 Q That evening, Officer.

7 A That's correct.

8 Q And you had no scientific evidence, is that  
9 correct, linking my client to the park; is that correct?

10 A That's correct.

11 Q And my client's clothing, could you describe  
12 -- well, you couldn't describe my client's clothing, is  
13 that correct?

14 A That's correct.

15 Q Could you describe anything about my client  
16 that might have seemed unusual when you arrested him?

17 A About his clothes?

18 Q About anything; anything he was doing or  
19 anything he said; anything that you observed about him.

20 A His statement, what he was telling me, he told  
21 me he wasn't with the group, and it was obvious that he  
22 was.

23 Q Now, you testified on Friday that there were  
24 no movie theaters near 102nd Street and Central Park  
25

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REYNOLDS - PEOPLE - CROSS - RIVERA

1  
2 West; is that correct?

3 A That's correct.

4 Q Now, my client was walking northbound; is that  
5 correct?

6 A That's correct.

7 Q And there are theaters southbound in that  
8 general vicinity; is that correct?

9 A Not that I know of.

10 Q Are there any movie theaters on Broadway,  
11 Officer?

12 A Yes.

13 Q How many movie theaters are there?

14 A I don't know.

15 Q And where would those movie theaters be,  
16 Officer?

17 A I believe there's on on 86th Street.

18 Q And that's southbound of 102nd Street; is that  
19 correct?

20 A That's correct.

21 Q Are there movie theaters further north of 86th  
22 Street?

23 A I don't know. I don't work in that precinct.

24 Q Are there any movie theaters on 96th Street?

25 A Again, I don't know.

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Q By the way, the boundaries of the Central Park Precinct is the park itself; is that correct?

A That's correct.

Q And it doesn't extend outside the park, is that correct?

A That's correct.

Q Is there a window in the Juvenile Room, Officer? Is there a window in the door to the Juvenile Room?

A In the door?

Q Yes.

A No.

Q It's a solid door?

A Yes.

Q Is it a glass door or a metal door?

A Metal or wood.

Q And there came a point in time that my client's grandmother came to the precinct; is that correct?

A That's correct.

Q Did you speak to her?

A Yes.

Q And at what time were you apprised that she was in the precinct?

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A About four-thirty, five o'clock.

Q Did she come over to you and tell you she was the grandmother, or you found out from someone?

A I don't recall.

Q You do recall speaking to her; is that correct?

A Yes.

Q You spoke to her in English; is that correct?

A Yes.

Q Was she accompanied by anybody, or was she alone?

A I just -- I remember speaking to her outside the Community Affairs, where it says Community Affairs on the map.

Q Did you advise her at that point in time her grandchild would be leaving soon; is that correct?

A I just asked her to be patient. It would take a few minutes. I don't recall my specific conversation with her.

Q And isn't it a fact that my client's father was there also, Officer?

A He might have been.

Q Isn't it a fact that he was there when the grandmother was there?

REYNOLDS - PEOPLE - CROSS - RIVERA

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A When I was speaking to her?

Q Yes.

A I don't think so.

Q You don't -- do you recall if she was with anybody there?

A She was there with the other parents.

Q Do you recall if she was there with a man who was there who identified himself as Mr. Santana's father?

A Might have been.

Q Did you speak to this individual, Officer?

A I really don't think so.

Q You don't recall speaking to an individual who identified himself as my client's father; is that correct?

A I might have. Again, I don't know, you know, what type of conversation it was.

Q Did my client speak fluid English, Officer? Did my client's grandmother speak fluid English?

A No, it was broken.

Q And she was able -- she indicated she was able to understand you; is that correct, Officer?

A Well, again, I indicated what the circumstances were --

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REYNOLDS - PEOPLE - CROSS - RIVERA

1 Q Did she ask you any questions, Officer?

2 MS. LEDERER: Objection, Officer. I ask  
3 that the witness be allowed to finish his  
4 answer.  
5

6 THE COURT: Yes, let him finish.

7 Q Did she ask you any questions, Officer?

8 A I'm not sure what questions she had. Again,  
9 the conversation was very brief.

10 Q And she asked you these questions in English;  
11 is that correct?

12 A I believe so.

13 Q And you answered them in the English language;  
14 is that correct?

15 A That's correct.

16 Q And you testified you don't speak any Spanish  
17 whatsoever; is that correct?

18 A That's correct.

19 Q Now, you finished your arrest clerical work.  
20 You indicated Friday that it took about two hours; is  
21 that correct?

22 A Two, three hours.

23 Q You started this work about eleven-thirty; is  
24 that correct?

25 A Roughly.

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REYNOLDS - PEOPLE - CROSS - RIVERA

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Q That would put it about two-thirty that you finished the clerical work; is that correct?

A Two-thirty or three, roughly. I don't recall specifically the time.

Q And during the time that you were doing your arrest reports, the five individuals were with you; is that correct?

A That's correct.

Q And they were together; is that correct?

A That's correct.

Q And they could walk around the Juvenile Room; is that correct?

A They could stand up, sure.

Q Did you restrict their movement in any way, shape or fashion?

A Yes.

Q How did you restrict their movement?

A I wanted to keep them from getting to that door.

Q You did not want them to go near the door; is that correct?

A Yes.

Q Now, there were police officers that were coming in and out; is that correct?

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1 REYNOLDS - PEOPLE - CROSS - RIVERA

2 A At what time?

3 Q During the evening of April 19th to April  
4 20th?

5 A Yes.

6 Q Okay. And there were other officers that were  
7 with you in that room; is that correct?

8 A On and off.

9 Q And there were parents that were in the other  
10 room; is that correct?

11 A Yes.

12 Q And did these individuals tell you that they  
13 wanted to speak to their parents?

14 A I don't believe so.

15 Q Did they go towards the door to try and speak  
16 to their parents?

17 A No. Only I think one spoke to his parents. I  
18 believe only one spoke to his parents. Again, these  
19 conversations were very brief and we were trying to do  
20 things as quickly as possible to expedite matters.

21 Q But you finished the paper work about  
22 two-thirty; is that correct?

23 A Two-thirty or three. Again, I'm not sure of  
24 the specific time.

25 Q And after three, most of the parents had

621

1 REYNOLDS - PEOPLE - CROSS - RIVERA  
2 arrived at that location, at the precinct; is that  
3 correct?

4 A That's correct.

5 Q And they were waiting outside in the Muster  
6 Room; is that correct?

7 A No.

8 Q In the room adjacent to the Juvenile Room; is  
9 that correct?

10 A That's correct.

11 Q And you were just waiting for Santana's  
12 father, is that correct?

13 A That's correct.

14 Q And other than that, you weren't doing  
15 anything else; is that correct?

16 A No.

17 Q And you still did not permit these five  
18 children to speak to their parents; is that correct?

19 A Again, they had the opportunity to speak to  
20 them if they wanted to. If a parent wanted to speak to  
21 their child, that was allowable.

22 Q Well, between twelve and two o'clock in the  
23 morning is when most of the parents arrived there; is  
24 that correct?

25 A That's -- I would say that's correct.

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REYNOLDS - PEOPLE - CROSS - RIVERA

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Q And most of these parents came up to you and asked to speak to their children; is that correct?

A I don't recall specifically what they said when they came in.

Q But they came over to you; is that correct?

A Yes.

Q And they asked you about what their children were being arrested for; is that correct?

A They either spoke to me or they spoke to my partner.

Q Was your partner in that room; is that correct?

A He was going back and forth.

Q And did they ask to speak to their children?

A I don't recall. Again, I think one or two did speak to their children; like I told you before, it was a very brief conversation.

Q So between the hours of two-thirty, three and four-thirty, there was little contact between the five children who were arrested and their parents; is that correct?

A Yes.

Q In fact, there was almost no contact -- only two children spoke to their parents; is that correct?

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REYNOLDS - PEOPLE - CROSS - RIVERA

1 A That could be correct.

2 Q And that was your testimony, is that not  
3 correct?  
4

5 MS. LEDERER: Objection.

6 THE COURT: I'll allow it.

7 A Again, I said I don't recall specifically who  
8 spoke to their parents and what the substance of the  
9 conversations were. I don't recall. They were very  
10 brief, because while they spoke, I was trying to do the  
11 paper work, finish up with the arrest.

12 Q You had finished the paper work two-thirty,  
13 three o'clock; is that correct?

14 A About that time. I didn't say specifically  
15 what time, because I don't recall what time I finished  
16 the paper work.

17 Q Were you present when Mr. Santana was  
18 questioned by any police officers?

19 A When he was questioned by detectives?

20 Q Yes.

21 A No.

22 Q Were you present when Mr. Santana was  
23 questioned by anybody?

24 A No.

25 Q Were you present when Mr. Santana was

624

1 REYNOLDS - PEOPLE - CROSS - RIVERA  
2 questioned by anybody?

3 A Was I present?

4 Q Were you present?

5 A No.

6 Q When the other individuals were being  
7 questioned by police officers and you were present  
8 during their questioning, I think you testified last  
9 Friday -- withdrawn.

10 I think you testified last Friday there were two  
11 individuals questioned by detectives in which you were  
12 present; is that correct?

13 A That's correct.

14 Q And the names of those two individuals were?

15 A That was Lamont McCall and Clarence Thomas.

16 Q And this was about six o'clock in the morning;  
17 is that correct?

18 A Approximately.

19 Q And did you surrender custody of the other  
20 individuals when you were inside the questioning room --  
21 inside during the questioning of these individuals?

22 A Well, I don't know what you mean "surrendering  
23 custody." There's no formal procedures or anything --

24 Q Did these individuals continue to remain in  
25 the Juvenile Room?

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REYNOLDS - PEOPLE - CROSS - RIVERA

THE COURT: Excuse me one second. You have a tendency to cut him off. Please be patient.

MR. RIVERA: I thought he finished.

A (Cont.) Like I said, there's no formal procedure when you have a prisoner in custody and someone wants to question him from another unit. All you do is, you make sure there's someone with him at all times so he doesn't escape.

Q Well, these two individuals questioned in another room; is that correct?

A Which individuals?

Q Mr. Lamont McCall and Mr. Clarence Thomas?

A No, they were questioned in the Juvenile Room.

Q They were questioned in the Juvenile Room?

A Yes. And the other defendants were with their parents.

Q Okay. So at that time these individuals were being questioned, the parents were speaking to the other individuals; is that correct?

A I'm not sure what you mean by "individuals".

Q Okay. You testified that you were in the Juvenile Room when Mr. Clarence Thomas was being questioned; is that correct?

A That's correct.

1 REYNOLDS - PEOPLE - CROSS - RIVERA

2 Q And where were the other children?

3 A The other defendants were in the Clerical  
4 Office (indicating). On the map it is the top room  
5 with, I believe, there's four desks (indicating).

6 Q Were the parents there?

7 A Yes, they were.

8 Q Was my client's parents there?

9 A Your client's grandmother was there. I think  
10 his father was there, as I just indicated before, and  
11 they all sat with their parents or whoever their legal  
12 guardian was.

13 Q So it's your testimony my client and his  
14 grandmother and father were in the Clerical Room; is  
15 that correct?

16 A Well, yes.

17 Q Did you bring anything -- did you buy any food  
18 for RAYmond Santana to eat that evening?

19 A No.

20 Q Did anybody buy any food to your knowledge for  
21 Mr. Santana?

22 A A group of parents went out to purchase food.

23 Q What time was this, Officer?

24 A It was about four-thirty, four-twenty.

25 Q And my client's weren't there; is that

REYNOLDS - PEOPLE - CROSS - RIVERA

correct?

A That's correct.

Q And these parents that went out went out to by food for their particular child; is that correct?

A That's correct. But I think your client did eat, though.

Q You did not see my client eat; is that correct?

A Again, I was concerned with other matters. They all had food.

Q You did not observe whether my client ate or not; is that correct?

A I observed the group eating. Whether your client specifically ate, whether he wanted to eat, I don't know.

Q And you don't know if anybody brought any food for my client; is that correct?

A That's correct.

MR. RIVERA: I have no further questions, your Honor.

THE COURT: Mr. Maddox.

CROSS-EXAMINATION

BY MR. MADDOX:

Q Officer, what time did you finish your tour of

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REYNOLDS - PEOPLE - CROSS - MADDOX

1  
2 duty on the 19th? What time did you finish your tour of  
3 duty?

4 A I didn't.

5 Q You mean you continued to work? You never  
6 been off that tour since the 19th of April? Is that  
7 your testimony?

8 A 'Til now?

9 Q Yeah.

10 A No.

11 Q Well, when did you finish? What time did you  
12 finish?

13 THE COURT: Please stop. Shouting is not  
14 necessary.

15 A That tour went into the next tour.

16 Q Well, when did you finally finish a tour of  
17 duty?

18 A That Saturday.

19 Q Saturday, what time?

20 A I'd have to look in my book.

21 Q Well, check it out.

22 A That was at 3:25.

23 Q 3:25 p.m. on Saturday; is that correct?

24 A No.

25 Q In the a.m., is that your testimony?

1 REYNOLDS - PEOPLE - CROSS - MADDOX

2 A Yes, it is.

3 Q So you're telling us that you worked non-stop  
4 from Wednesday the 19th to Saturday morning at three  
5 o'clock; is that correct?

6 A Approximately.

7 Q Is that correct?

8 A Approximately three.

9 Q All right. But your testimony is, Sir, that  
10 you worked continuously from Wednesday to Saturday; is  
11 that correct?

12 A That's correct.

13 Q And that during that time you didn't get no  
14 sleep; is that correct?

15 A That's not correct.

16 Q So you were sleeping on the job?

17 A No, I sat down in a chair --

18 Q Well, did you sleep or not?

19 THE COURT: Just a moment, just a moment.  
20 Counsel, you asked a question. Wait for the  
21 answer.

22 Answer the question.

23 A When I wasn't questioned and when I wasn't  
24 needed, I sat down. My eyes closed. I don't think it's  
25 possible to go three or four days without sleeping.

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1 REYNOLDS - PEOPLE - CROSS - MADDOX

2 Q So your testimony, Sir, is that you were  
3 sleeping on the job while you were receiving a paycheck;  
4 is that correct?

5 A You might say that.

6 Q Now, what were the times that you were  
7 sleeping on the job?

8 A I don't know.

9 Q Do you have anything to refresh your  
10 recollection of when you were sleeping on the job?

11 A No.

12 Q But you were getting paid during the time that  
13 you were sleeping on the job; is that correct?

14 A Yes, I did get paid.

15 Q All right. Now, there came a time on the 19th  
16 of April that you were in the vicinity or 100th Street  
17 and Central Park West; is that correct?

18 A On what date?

19 Q On the 19th of April, '89?

20 A Yes.

21 Q You were in the vicinity of 100th Street and  
22 Central Park West; is that correct?

23 A Yes.

24 Q And what time was that?

25 A On the 19th I was there several times.

1 REYNOLDS - PEOPLE - CROSS - MADDOX

2 Q Well, at the time that you proceeded north on  
3 Central Park West to 102nd Street where you blocked  
4 certain persons from walking up the street, what time  
5 was that?

6 A I believe that was ten-thirty, approximately.

7 Q In the p.m.?

8 A Yes.

9 Q All right. Now, prior to that, you were over  
10 on 102nd Street and the East Drive; is that correct?

11 A That's correct.

12 Q And you received a radio communication and you  
13 went over to 100th Street and Central Park West; is that  
14 correct?

15 A That's correct.

16 Q Now, what time did you receive that radio  
17 communication when you were at 102nd Street and the East  
18 Drive?

19 A I don't recall specifically the time.

20 Q Well, do you have anything to refresh your  
21 recollection?

22 A Which job are you speaking of?  
23  
24  
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REYNOLDS - PEOPLE - CROSS - MADDOX

T6/FR

Q Sir, you indicated on your direct, and I believe you said it several times on your cross, that you received a radio communication at 102nd Street and East Drive; is that correct?

A That's correct.

Q And in response to that communication, you went over to the area of 100th Street and Central Park West, isn't that correct?

A That's correct.

Q Now, what time did you receive that communication at 102nd and the East Drive?

A I'll have to look in my notes.

Q Please do.

A Okay. I have approximately five minutes to ten, 21:55 hours.

Q And what time did you arrive at 100th Street and Central Park West?

A 22:25 hours.

Q So, in other words, you took thirty minutes to go from 102nd Street and East Drive to 100th Street and Central Park West, is that your testimony?

A That's approximate times. We have nothing

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1 REYNOLDS - PEOPLE - CROSS - MADDOX  
2 to gauge our times by. This was-- again, we were  
3 not looking at our watches as these happened, so the  
4 times could be off.

5 Q Are you telling us now, sir, that those are  
6 not the times? You want to change your testimony?

7 A No.

8 Q So, it took thirty minutes--

9 A It's approximate time.

10 Q It took you approximately thirty minutes to  
11 get from 102nd Street and the East Drive to 100th  
12 Street and Central Park West, is that correct?

13 A It's possible, yes.

14 Q No, no. I'm asking you, sir, did it take  
15 you thirty minutes approximately to go from 102nd  
16 Street and the East Drive to 100th Street and  
17 Central Park West--

18 MS. LEDERER: I object, your Honor.

19 Q I'm not asking you about--

20 THE COURT: Objection sustained.

21 He answered the question.

22 Q You answered, "It's possible."

23 A That was the answer.

24 Q I'm asking you what, in fact, happened?

25 MS. LEDERER: Objection, your Honor.

REYNOLDS - PEOPLE - CROSS - MADDOX

THE COURT: I don't know what that question means, what happened?

Q Well, I'm asking you, sir, is it a fact that it took you thirty minutes to go from 102nd Street and the East Drive to 100th Street and Central Park West?

A I cannot say that is a fact because I don't have the specific time. Again, I didn't look at my watch as soon as we got the radio run and then time myself as we proceeded to 100th Street.

Q But you would agree with me it's approximately thirty minutes?

A That's the approximate time, yes.

Q Now, what time did you place Raymond Santana and Lopez under arrest?

A You mean what time did I put them in the sergeant's car at 102nd Street or at 100th Street and Central Park West?

Q Yes. Sir, didn't there come a time when you put these men in a vehicle at approximately 101st Street and Central Park West?

A No.

Q Is it your testimony, sir, that you walked them from the area of 102nd Street and Central Park

1 REYNOLDS - PEOPLE - CROSS - MADDOX

2 West back to 100th Street and Central Park West; is  
3 that your testimony?

4 A No.

5 Q How did they get to 102nd Street and Central  
6 Park West to 100th Street and Central Park West?

7 A They were driven.

8 Q So, you put them in a van and they were  
9 driven back to 100th Street, is that correct?

10 A No.

11 Q Well, in whose automobile were they placed?

12 A The sergeant's car.

13 Q At 102nd Street and Central Park West?

14 A Yes.

15 Q And they were driven to 100th Street and  
16 Central Park West, is that correct?

17 A That's correct.

18 Q And is it your testimony that they remained  
19 in that sergeant's car until they arrived at the  
20 Central Park Precinct?

21 A I believe they did.

22 Q So, would it be fair to say that they were  
23 placed under arrest at 102nd Street and Central Park  
24 West?

25 A According to the law, you could say it. I

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REYNOLDS - PEOPLE - CROSS - MADDOX

had them in custody at 102nd Street and Central Park West.

Q So, they were placed in police custody at 102nd Street and Central Park West, is that correct?

A That's correct.

Q Now, prior to putting them into custody, I believe that you had an occasion to pat Santana and Lopez down, is that correct?

A That's correct.

Q And the purpose of that pat down was to look for weapons, is that correct?

A For my safety, yes.

Q Right. Now, where are your Stop and Frisk forms with respect to that pat down?

MS. LEDERER: Objection.

THE COURT: I'll let him answer.

A I don't recall making any out.

Q Oh, you didn't make any Stop and Frisk forms out?

Well, let me ask you this. Were search forms available to police officers on the 19th of April, 1989?

MS. LEDERER: Objection.

THE COURT: I'll allow it.

1 REYNOLDS - PEOPLE - CROSS - MADDOX

2 A Was what forms?

3 Q Were Stop and Frisk forms available to  
4 police officers on April 19, 1989?

5 A I don't know.

6 Q Well, were you familiar with such forms on  
7 the 19th of April, 1989?

8 A Was I familiar as far as making them out and  
9 knowing what they were?

10 Q Yes.

11 A Yes.

12 Q But it's your testimony that you did not  
13 make such a form out, is that correct?

14 A That's correct. I said I don't recall if I  
15 made one out.

16 Q Well, is there anything to refresh your  
17 recollection as to whether you made one out or not?

18 A I'd have to go back to the station house to  
19 look, but I don't think I did.

20 Q Now, when you left-- withdrawn.

21 You're familiar with the area of 102nd Street  
22 and East Drive, is that correct?

23 A 102nd Street and the East Drive?

24 Q Right.

25 A Am I familiar with it?

1 REYNOLDS - PEOPLE - CROSS - MADDOX

2 Q Yes.

3 A Yes, I am.

4 Q And you are also familiar with the area of  
5 100th Street and Central Park West, is that correct?

6 A That's correct.

7 Q Now, how far away are those two locations  
8 from each other?

9 A I never measured it. I couldn't tell you.  
10 Maybe two, three blocks-- well, it's-- it's not a  
11 direct route. There's no direct route to it, so--  
12 you know, it's hard to gauge.

13 Q All right. Well, let's do it like this.  
14 When you left 102nd Street and the East Drive, what  
15 path did you travel in order to get over to 100th  
16 Street and Central Park West?

17 A I believe we went through the cross street--

18 Q No, no, you--

19 MS. LEDERER: Objection, your Honor.

20 THE COURT: Well, he was with someone  
21 else. He was not alone.

22 Q Which path did you travel?

23 A I believe I took the 102nd Street cross  
24 drive.

25 Q And as you were-- were you traveling very

1 REYNOLDS - PEOPLE - CROSS - MADDOX

2 slowly on the 102nd Street cross drive?

3 A We might have been because the van we had  
4 was in very poor condition and it stalled out a lot,  
5 so there was a chance it stalled. I don't know. I  
6 don't recall.

7 Q Well, did you see any bodies as you were  
8 traveling slowly on the 102nd cross drive?

9 A Did I see anybody going by?

10 Q Yes, you see anybody going by?

11 A I don't recall.

12 Q Did you see any physical bodies lying about  
13 that area?

14 A On the roadway?

15 Q Yes.

16 A No.

17 Q And then you got-- well, withdrawn.

18 The 102nd Street cross drive took you to another  
19 street, is that correct?

20 A That's correct.

21 Q And what was that street?

22 A That's the West Drive.

23 Q And when you got to the West Drive, you took  
24 a lefthand turn, is that correct?

25 A We made a lefthand turn, yes.

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1 REYNOLDS - PEOPLE - CROSS - MADDOX

2 Q And you proceeded to 100th Street, is that  
3 correct?

4 A I believe we did, yes.

5 Q And you made a right turn and exited on  
6 100th Street, is that correct?

7 A I believe it's correct.

8 Q However, your radio communication informed  
9 you that the person who was allegedly assaulted was  
10 at 96th Street and Central Park West, is that  
11 correct?

12 A No.

13 Q Well, when you received a radio  
14 communication at 102nd Street and the East Drive,  
15 isn't it a fact that you had been then informed that  
16 a male jogger was bleeding at 96th Street near the  
17 reservoir?

18 A Could you repeat that question?

19 Q Certainly can. When you received the radio  
20 communication at 102nd Street and the East Drive,  
21 isn't it a fact that you were informed then that a  
22 male jogger who was bleeding profusely was at 96th  
23 Street near the reservoir?

24 A Well, that radio run came in several runs.  
25 It first came over that he was assaulted and then

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later on the part about him bleeding profusely came over.

Q Yes, but when you were at the East Drive and 102nd Street, isn't it a fact that at that point that you were informed he had been assaulted, the male jogger?

A I believe we were at that location.

Q And is it your testimony now that subsequent to that radio communication you received another communication describing the kind of injury that he had sustained?

A Didn't describe the injury, it described his condition.

Q You would agree with me, though, that when you got to 100th Street, you were only four blocks from where this person was; is that correct?

A That's correct.

Q And you never went to that location, is that correct?

A That's correct.

Q And you saw Santana and Lopez and another group at 102nd Street and Central Park West at about 22:40 hours?

A No.

1 REYNOLDS - PEOPLE - CROSS - MADDOX

2 Q What time did you see this group?

3 A That's approximately 22:25 hours.

4 Q When you saw this group, is that correct?

5 A That's correct.

6 Q Right. Now, you saw this group, you agree  
7 with me, within six blocks of where this person had  
8 allegedly been assaulted; is that correct?

9 A I'm not sure of the exact distance.

10 Q Well, as you travel up Central Park West,  
11 you would agree with me that each one of those  
12 streets has a numerical designation?

13 A Yes.

14 Q And you would agree with me that somewhere  
15 on Central Park West there's a street known as 96th  
16 Street and Central Park West?

17 A Yes.

18 Q And would you agree with me that each street  
19 thereafter has a numerical designation?

20 A Yes.

21 Q And the next one is 96th Street, and the  
22 next one is 100th Street?

23 A Next street after 96th Street?

24 Q Yes.

25 A I believe it's 97th Street.

1 REYNOLDS - PEOPLE - CROSS - MADDOX

2 Q And then the next street is a 100th?

3 A 98th Street.

4 Q You would agree with me in that area there's  
5 no such street known as 98th Street?

6 A Not on Central Park West.

7 Q Would you agree there's no street known as  
8 98th Street, is that correct?

9 A Correct.

10 Q And there's also no street known as 99th  
11 Street, is that correct?

12 A That's correct.

13 Q But there is a street known as 100th Street,  
14 is that correct?

15 A On the Central Park West, yes.

16 Q Essentially between 97th Street and 100th  
17 Street there's actually two apartment buildings and  
18 a large parking lot, is that correct?

19 A Between 97th and 100th?

20 Q Yes.

21 A Yes.

22 Q And would you agree with me that the normal  
23 walking time from 96th Street up to 102nd Street is  
24 approximately seven minutes?

25 MS. LEDERER: Objection.

REYNOLDS - PEOPLE - CROSS - MADDOX

THE COURT: Objection sustained.

Q Are you aware of a walking time between 96th Street and 102nd Street?

MS. LEDERER: Objection.

THE COURT: Sustained.

Q Would you agree with me, sir, that you saw these men some thirty minutes after you first received that communication, is that correct?

A That's approximate, yes.

Q And when you saw them, they were at least six blocks away from the location where this assault was supposed to have taken place, is that correct?

A Yes, approximately.

Q And when you saw them some thirty minutes later, six blocks away from where this assault allegedly occurred, this group was walking and not running; is that correct?

A That's correct.

Q Now, I believe you told Mr. Rivera that you were not familiar with movie houses on Broadway, is that correct?

A That's correct.

Q You would agree with me though that-- withdrawn.

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1 REYNOLDS - PEOPLE - CROSS - MADDOX

2 Would you agree with me that when you heard the  
3 statement that Lopez was coming from a movie house,  
4 that this was not preposterous; is that correct?

5 MS. LEDERER: Objection.

6 THE COURT: Objection sustained.

7 Q You didn't attach any significance to the  
8 statement that Mr. Lopez made that he was just  
9 coming from the movie house, did you?

10 MS. LEDERER: Objection.

11 THE COURT: No, I'll allow that.

12 A Significant in what way?

13 Q Well, in the sense of suspicions. I mean,  
14 that didn't create any suspicions because someone  
15 was just walking from a movie house, did it?

16 A That in itself, no.

17 Q Well, would you agree with me that that, at  
18 that time at night, roughly 10:30, that was not a  
19 preposterous statement?

20 MS. LEDERER: Objection.

21 THE COURT: Sustained.

22 Q When you say that that in itself, Officer,  
23 what you're saying is that that did not attach any  
24 significance to you; is that correct?

25 MS. LEDERER: Objection.

1 REYNOLDS - PEOPLE - CROSS - MADDOX

2 THE COURT: I don't think he said that.

3 Q What significance, if any, then did that  
4 statement about the movie house play?

5 A Again, not a lot of significance.

6 Q Now, there came a time later on on the 20th  
7 of April that you went to the homes of a Clarence  
8 Thomas and Antron McCray, is that correct?

9 A That's correct.

10 Q And you were in the company of some other  
11 police officers, is that correct?

12 A That's correct.

13 Q Now, were you given any specific  
14 instructions before you went to the homes of Thomas  
15 and McCray?

16 A Was I given specific instructions?

17 Q Yes.

18 A No, just to accompany the detectives that  
19 were going there.

20 Q And was it your understanding that you were  
21 to bring McCray and Thomas back to the precinct?

22 A I knew we were going back to question them.  
23 There was a chance we might have to bring them back.

24 Q Well, when you say that there was a chance  
25 that you may have to bring them back, could you

1 REYNOLDS - PEOPLE - CROSS - MADDOX

2 explain that to us?

3 A Well, I knew we were going to question them.  
4 I went with them at the last minute. I was told to  
5 go with them and I wasn't sure specifically what  
6 they were-- I knew they were going there to speak to  
7 them. I had assumed in my mind there wouldn't be  
8 any-- I guess, interrogation in their house.

9 Q Okay. So, it was your understanding that  
10 any questioning that was to take place with McCray  
11 and Thomas would occur in the precinct, is that  
12 correct?

13 A That's what was in my mind. That's what I  
14 assumed myself.

15 Q In fact, that is what occurred, isn't that  
16 correct?

17 MS. LEDERER: Objection, this witness  
18 has not testified about McCray's statement.

19 THE COURT: Objection sustained.

20 Q Well, as to Thomas, isn't it a fact that  
21 Thomas was, in fact, questioned at the Central Park  
22 Precinct, is that correct?

23 A Again-- you mean when he was brought back?

24 Q Yes.

25 A I wasn't there. He was brought in-- if he

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2 was questioned, I can't testify to that because I  
3 wasn't there.

4 Q But you were there when the police officers  
5 knocked on Thomas' door, is that correct?

6 A Yes.

7 Q And you were there when the police told  
8 Thomas and his mother to come down to the precinct,  
9 is that correct?

10 A That's correct.

11 Q And while you were there, you did not see  
12 any questioning taking place inside of the Thomas  
13 house, is that correct?

14 A No.

15 Q Would you agree with me or not?

16 A I agree. He asked him a couple of  
17 questions.

18 Q There were a couple of questions asked at  
19 the house, is that your testimony?

20 A Yes, I believe so.

21 Q And then after those two questions, he was  
22 then taken down to the Central Park Precinct?

23 A I'm not saying it was just two questions.  
24 I'm saying I think he was asked questions and then  
25 we went to Antron McCray's house.

1 REYNOLDS - PEOPLE - CROSS - MADDOX

2 Q But when you went to Antron McCray's house,  
3 you would agree with me that you didn't leave Thomas  
4 and his mother at their residence?

5 A Yes.

6 Q In fact, they were placed in a police car  
7 and they accompanied you to McCray's residence, is  
8 that correct?

9 A That's correct.

10 Q And then Thomas and his mother were taken to  
11 the Central Park Precinct, is that correct?

12 A That's correct.

13 Q Now, you didn't have anything to do with  
14 Brisco on the 19th of April, 1989; is that correct?

15 A Anything to do with him in what way?

16 Q With Brisco, not them, Brisco.

17 A I said anything to do with him in what way?

18 Q In any way you can tell us about.

19 A Unless he was in the group that ran from us,  
20 I don't think there is any other contact we had.

21 Q I mean you are not accusing-- you didn't  
22 accuse Mr. Brisco on the 19th of April, 1989, of  
23 running from you, did you?

24 A No, I didn't.

25 Q So, is it your testimony, sir, that you had

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nothing to do with Mr. Brisco on the 19th of April,  
'89?

A I don't believe I had any contact with him,  
no.

Q And would it also be fair to say that you  
had no contact with him on the 20th of April?

A Yeah, that would be fair to say.

Q Now, are you familiar with a-- withdrawn.

Do you know a Lamont McCall?

A Do I know him?

Q Yes.

A I know who he is.

T7/LF

Q Did you first become acquainted with him on  
the 19th of April, 1989?

A Did I what?

Q Did you first become acquainted with Lamont  
McCall on the 19th of April, 1989?

A I first came in contact with him that night,  
yes.

Q You did not, however, apprehend Lamont  
McCall; is that correct?

A That's correct.

Q But later you did take credit for

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1 REYNOLDS - PEOPLE - CROSS - MADDOX

2 apprehending Mr. Lamont McCall, is that correct?

3 MS. LEDERER: Objection to the form.

4 THE COURT: I'll allow it.

5 A He was my arrest, yes.

6 Q Did you tell Detective Whelpley you actually  
7 caught Lamont McCall?

8 A No.

9 Q And if Detective Whelpley said otherwise, he  
10 would be lying?

11 MS. LEDERER: Objection.

12 THE COURT: Sustained.

13 MR. MADDOX: No further questions.

14 THE COURT: Do you have redirect?

15 MS. LEDERER: Yes.

16 THE COURT: Is it substantial?

17 MS. LEDERER: Well--

18 THE COURT: We'll take a short recess  
19 now.

20 (Recess.)

21 THE COURT: Do you want to come up for a  
22 moment, please, counsel.

23 (Discussion was held off the record.)

24 THE COURT: Bring out the defendants.

25 THE COURT CLERK: Recalling calendar

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COLLOQUY

number four, Indictment 4762 of '89; Kharey Wise, Yusaf Salam, Antron McCray, Kevin Richardson, Steven Lopez, Michael Brisco and Raymond Santana.

(Witness resumed the stand.)

THE COURT CLERK: Officer, you are reminded you are still under oath.

THE WITNESS: Yes.

THE COURT: Okay.

REDIRECT EXAMINATION

BY MS. LEDERER:

Q Officer Reynolds, I'd like to please direct your attention to what's been received as People's 1 in evidence.

Would you please step down for a moment, with the permission of the Court, and approach the exhibit.

(Witness complies.)

Q How many buildings comprise the Central Park Precinct?

A Two.

Q Would you please indicate the buildings that you were referring to.

A Okay. This building is one and this

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REYNOLDS - PEOPLE - REDIRECT

1 building is connected with this, with the main part  
2 (indicating). It is a giant horseshoe-shaped  
3 structure (indicating).  
4

5 Q Opposite the Community Affairs office, is  
6 there another building?

7 A Yes, this is the main part of the precinct.

8 Q And the writing that you are pointing to  
9 says, "entrance to Central Park Precinct"?

10 A Yes.

11 Q When you enter through the door where that  
12 arrow is pointing, what is immediately in the  
13 entrance?

14 A As you go, there's stairs. When you go down  
15 the stairs, the desk is right there to your right.

16 Q When you say the desk, to what are you  
17 referring?

18 A The desk where the sergeant is, where he  
19 logs in the names of prisoners, you know, takes care  
20 of all matters in the precinct.

21 Q Is that where you took the people that were  
22 taken into custody on the night of April 19th?

23 A Yes.

24 Q Where in relation to the desk that you just  
25 described in the exhibit is the Central Park

REYNOLDS - PEOPLE - REDIRECT

detectives' office?

A It's right opposite. As you're going in, the detectives' office is on the left (indicating).

Q The building that's displayed in the lower portion where it says "muster room," what is that room? What is that building?

A That's where we have our roll call and our muster.

MR. MODRE: Objection, your Honor, I don't think this area is proper redirect examination.

THE COURT: Well, I don't know. I'll allow it.

Q What does it mean to have muster there?

A That's where we receive our instructions for the day, our assignments; as far as our sectors, what cars we are assigned to, what areas we are assigned to. If we have any details outside the precinct, we're informed of all of that there.

Q How many juvenile rooms are there in the Central Park Precinct?

A There's one.

Q Would you point it out, please.

A This room right here (indicating).

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REYNOLDS - PEOPLE - REDIRECT

Q Indicating the room on the lower side of the Community Affairs building?

A That's correct.

Q Are there soda machines in any of the buildings of the Central Park Precinct?

A Yes, there are.

Q Where are they, if you recall?

A They are in the muster room. At that time there was a juice machine and a soda machine.

MS. LEDERER: All right, thank you. You may resume the witness stand.

(Witness complies.)

Q How long have you been assigned to the Central Park Precinct? In April, 1989, how long had you been assigned to the Central Park Precinct?

A Just over two years.

Q Do you recall what day of the week April 19th of 1989 was?

A I believe that was a Wednesday.

Q Was the-- when you first began to receive radio runs on the night of April 19th, do you remember whether it was light or dark out?

A It was dark at that time.

Q Do you recall whether there were any

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concerts, plays or entertainment activities in Central Park on the night of April 19, 1989?

MR. RIVERA: Objection.

THE COURT: I will allow it.

A No. Nothing I was aware of.

Q During the time that you have been assigned in the Central Park Precinct, have you frequently been assigned to evening assignments, evening shifts?

A Yes, I do steady four to twelve's.

Q Steady four to twelve's since assigned to the precinct or when?

A No, my assignment in Anti-Crime in January.

Q In your experience in the evening in Central Park, in the time of year we're discussing, either April or around that time, is it frequent, is it common to see a large amount of people in Central Park in the evening?

MR. MOORE: Objection.

THE COURT: I'll allow it.

A To see inside the park at that time?

Q Yes.

A Not really.

Q Would you describe what the usual regular

1 REYNOLDS - PEOPLE - REDIRECT

2 population is in Central Park on a night in April.

3 (Whereupon, an objection was made by all  
4 defense counsel.)

5 THE COURT: Objection sustained.

6 Q Can you be more specific?

7 THE COURT: About what?

8 MS. LEDERER: About the answer to the  
9 last question.

10 (Whereupon, an objection was made by all  
11 defense counsel.)

12 THE COURT: Objection sustained.

13 Q Approximately 9 or 9:30 in the evening on a  
14 night in April in Central Park, would it be common  
15 to see joggers?

16 MR. MOORE: Objection.

17 THE COURT: I will allow it.

18 A Yes.

19 Q Could you give an approximate number of the  
20 people you most frequently see?

21 MR. BERMAN: Objection as to form.

22 Q Could you give an approximate number of the  
23 people you might see on a night in April?

24 MR. BERMAN: At 9:30 or in the course of  
25 the whole night?

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THE COURT: Are you asking that specific time?

Q From approximately 9 to 10 p.m. on an April night in Central Park.

THE COURT: I'll allow it.

A Sometimes people jogging alone, sometimes jogging in pairs. There are times when there are large numbers, but it varies. It's usually just joggers and bicylists.

Q Was it usual on a night in April between 9 and 10 p.m. to see pedestrians, not joggers and not bicylists?

MR. MOORE: Objection.

THE COURT: I will allow it.

A Not many. You wouldn't see many people.

Q And the time you have been assigned to Central Park, is it-- how would you qualify the level of activity or police work in Central Park on a night in April?

MR. BERMAN: Objection.

THE COURT: I don't know what that means.

MS. LEDERER: I will rephrase the question.

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REYNOLDS - PEOPLE - REDIRECT

Q Would you describe the level of police work-- withdrawn.

Would you describe the level of activity for a police officer in Central Park on a night in April--

MR. RIVERA: Objection.

MR. MODRE: Objection.

THE COURT: Finish your question.

Q -- as light or heavy?

A Frequently light.

THE COURT: I'll allow it.

Q Is it usually quiet in Central Park at night?

A Yes.

Q Directing your attention to the night of April 19th of 1989, did you have your radio on the entire time from about-- from the time you got off meal through the time that the five persons were taken into custody?

A Yes.

Q And did you hear all the communications over the radio during that time?

A Yes, I heard most of them, I believe.

Q Did you have a radio with you when you were at 102nd Street and Central Park West?

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REYNOLDS - PEOPLE - REDIRECT

A Yes, I did.

Q Were you able to hear radio communications as you stood by Raymond Santana and Steve Lopez?

A Yes.

Q To the best of your recollection, what do you recall hearing at that time?

A I recall hearing people stating that they saw a couple running one way. There were conversations from officer to officer stating that they saw defendants running through the fields.

There were also conversations--

MR. MADDOX: Objection to the word "defendants."

THE COURT: Yes.

Don't use "defendants," just use "people." Refer to them as individuals.

A There were conversations to the Central Dispatcher from other officers that they were in pursuit of individuals around certain locations inside the park, including the pond and the ballfields.

Q Prior to the time that you saw the group walking north on Central Park West, as you were driving through Central Park with Officer Powers,

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REYNOLDS - PEOPLE - REDIRECT

1 did you have your radio on at that time?

2 A Yes.

3 Q And the radio communications that you heard  
4 that night, were there frequent silences between the  
5 radio communications or were you hearing  
6 communications pretty much non-stop?

7 A We heard a lot of communications. There  
8 were communications from other precincts. We're not  
9 the only precinct on our frequency.

10 Q Going back for a moment to the Central Park  
11 Precinct, you testified, I believe on Friday, that  
12 when the people that you brought before the desk,  
13 the people you took into custody were brought before  
14 the desk, when they were removed from that area they  
15 were taken to the Juvenile Room?

16 A That's correct.

17 Q Why were they taken to the Juvenile Room?

18 A That's the designated room-- there is a room  
19 designated by the police department to bring any  
20 suspects under the age of sixteen, anyone considered  
21 a juvenile by the Family Court act.

22 Q And if you take someone into custody who is  
23 an adult, where is that common to take that person,  
24 or where would you have taken that person?

REYNOLDS - PEOPLE - REDIRECT

1 A To our holding cells in front of the desk.

2 Q At the time that you approached the group  
3 that you saw walking north on Central Park West,  
4 would you describe exactly how the van pulled up in  
5 relation to that group.  
6

7 A At first we were driving-- we drove parallel  
8 to them. When it became apparent to me they were  
9 going to run, we pulled the van up perpendicular in  
10 the intersection onto the southwest corner of 102nd  
11 Street and Central Park West.

12 Q At the time that you pulled the van up, who  
13 was closer to the group, yourself or Police Officer  
14 Powers?

15 A Police Officer Powers was closer.

16 Q And who reached the group or Raymond Santana  
17 and Steve Lopez first, yourself or Police Officer  
18 Powers?

19 A Police Officer Powers.

20 Q How long did it take you to come around the  
21 front of the van-- withdrawn.

22 Did you go around the front of the van or the  
23 back of the van?

24 A I went around the front.

25 Q How long did it take you to go around the

REYNOLDS - PEOPLE - REDIRECT

front?

A It took me a couple seconds to jump out and close the door and walk up to the two.

TB/FR

Q During that few seconds-- withdrawn.

What did you see Police Officer Powers doing by the time you came around the front of the van?

A I saw him yelling to the crowd not to run. He told them we were police, "Don't run. Stay where you are. Don't make us chase you."

At that point the group started to run from him.

Q Was there anything unusual about the number of people in this group that you saw walking north on Central Park West that you described?

MR. JOSEPH: Objection.

THE COURT: I'll allow it.

A It was unusual that it was a large group. At that time there was-- again, usually when you have a large group like that they are coming from a movie theater or something.

MR. MADDOX: Objection.

THE COURT: Overruled.

Q Was the group that you saw wearing any kind of team uniform?

REYNOLDS - PEOPLE - REDIRECT

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A No, I don't recall.

Q Did you notice them carrying any kind of equipment like bats, balls or anything like that?

A No.

Q When you saw the group walking, could you describe the relation of members within the group, one to the other?

A The group was pretty homogeneous. It seemed like they were altogether. There were no stragglers, like anybody was ahead of the group or behind it. They were together.

Q Were they single file or several people abreast from one another?

A Several people abreast.

Q Were there any other people on Central Park West that you saw when you saw this group of people walking north?

A There were-- I believe there were one or two other people.

Q Did you see those people on the west side of the street or on the east side of the street?

A I didn't-- at the time we approached them I wasn't looking on that side. I only looked to see Officer Flores. There might have been one or two

REYNOLDS - PEOPLE - REDIRECT

people going into that building there.

Q Going into which building?

A There's a condominium-- condominium or co-op complex at the southwest corner there.

Q At some point Raymond Santana and Steve Lopez were taken to 100th Street and Central Park West. Whose decision was it to take them to that location?

A I had decided to take them to that location.

Q For what reason were they taken to that location?

A That's where the other defendants were and that's where my supervisor was.

MR. MADDOX: Object to "defendants."

THE COURT: Other people were there. Let's not talk about defendants.

THE WITNESS: Individuals were. That's where other individuals were and my supervisor was there and I went to confer with him.

Q And what matter did you intend to discuss with Sergeant Laile?

A On the apprehension of the other individuals and as far as making the arrest.

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REYNOLDS - PEOPLE - REDIRECT

1  
2 Q When you say "as far as making the arrest,"  
3 what specifically did you want to discuss with your  
4 supervisor?

5 A What did we have against them and what the  
6 situation was specifically.

7 Q Whose decision was it finally to arrest  
8 Raymond Santana and Steve Lopez, if you know?

9 A That was myself and Sergeant Laile.

10 Q At 100th Street and Central Park West was  
11 there a decision about doing any kind of a showup or  
12 identification procedure?

13 A There was.

14 Q What was that discussion and who had it?

15 A That discussion was with myself and the  
16 sergeant. We had tried to see if we could do a  
17 showup and we found out that we couldn't. So, we  
18 decided against it.

19 Q At what point was it decided that Raymond  
20 Santana and Steve Lopez would be arrested?

21 A You mean at what time?

22 Q At what location?

23 A At 100th Street and Central Park West.

24 Q And who made the decision?

25 A Myself and Sergeant Laile.

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REYNOLDS - PEOPLE - REDIRECT

Q Directing your attention to the early morning hours of April 20th of 1989, you testified, I believe, that family members arrived on behalf of four of the five suspects in custody at that time?

A That's correct.

Q To the best of your knowledge, approximately how many people arrived when all of the family members or guardians of those suspects arrived?

A I'd say about six to eight.

Q And approximately how many chairs are there in the Juvenile Room?

A There's at least four. There's probably more.

Q And on the night of April 19th into the morning of April 20th, it was your testimony that you were in that room with the five suspects who had been arrested; is that right?

A That's right.

Q And were each of those-- were those five suspects seated or standing?

A They originally were seated. I had-- I pulled up some chairs and had them sit on the-- on this map, you'll see that's the bottom, righthand portion in the Juvenile Room.

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1 REYNOLDS - PEOPLE - REDIRECT

2 Q And were you also in that room?

3 A Yes, I was.

4 Q And you were seated?

5 A Yes.

6 Q Were any other officers in that room?

7 A There were other officers, but they came  
8 back and forth.

9 Q Other than yourself and the five suspects  
10 you just described, was anybody else seated in that  
11 Juvenile Room?

12 A That stayed there?

13 Q Yes.

14 A No.

15 Q Approximately how many chairs were remaining  
16 after the chairs that you and the five suspects were  
17 using?

18 A There might have been one or two.

19 Q Were there eight?

20 A Eight left?

21 Q Yes.

22 A In the Juvenile Room?

23 Q Yes.

24 A After everybody was seated?

25 Q Yes.

REYNOLDS - PEOPLE - REDIRECT

1  
2 A I don't think so. I think the rest of the  
3 chairs were outside where the parents were.

4 Q You testified, I believe, that you were  
5 doing your paperwork in an assembly line fashion.  
6 Would you describe more specifically and describe  
7 how you did the paperwork in this case.

8 A Well, what we did was-- when you make an  
9 arrest and you get the charges, you get the Penal  
10 Law and what you like to do-- what I like to do is  
11 get the charges and write them in on the arrest  
12 reports. You know, even before you put the names  
13 on.

14 So, there does come a time where you will put a  
15 charge on and you might have put it on all of the  
16 arrest reports and then you realize for one or two  
17 of the defendants, the charge doesn't apply and I  
18 would X or line it out and just put the other charge  
19 on it.

20 Q And when you say you were doing the  
21 paperwork in an assembly line fashion, how did you  
22 mean?

23 A I took them all and put all the arrest  
24 reports down, did the arrest reports, the intake  
25 referral sheets, I did those one at a time. Some of

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REYNOLDS - PEOPLE - REDIRECT

1  
2 the captions were left out until we had gotten that  
3 information that pertained to it. Some things were  
4 left blank and they had to be checked constantly to  
5 make sure we had everything in them.

6 Q At some point did you become aware that any  
7 of these five suspects that you had at the Central  
8 Park Precinct were sleeping?

9 A Yes.

10 Q And approximately what time was that?

11 A Can I-- I have to look at my notes for that.  
12 That was at least 3:00. By 3:00 all except for  
13 one was definitely sleeping.

14 Q When you say all except one was not  
15 sleeping, who was it that was not sleeping?

16 A That was Clarence Thomas.

17 Q Is there some reason why you recall that  
18 specific time and Clarence Thomas was not sleeping?

19 A Yes, because all the others were sound  
20 asleep and he was sitting there and awake and I  
21 looked at him and I asked him, you know, why wasn't  
22 he sleepy. He told me he wasn't sleepy because he  
23 was too scared. He never been in so much trouble  
24 before.

25 MR. MOORE: I'm going to object to this

REYNOLDS - PEOPLE - REDIRECT

as not being a proper line of examination.

THE COURT: I'll allow it.

Q Approximately how long did you see the other ones sleeping?

A They slept a good part of the night from 3:00 on.

Q At the time that Kevin Richardson's mother arrived at the Central Park Precinct, you testified she came to the entrance of the Juvenile Room when she first arrived and then she was asked to wait outside.

During the time that she was waiting outside and you had Kevin Richardson in the Juvenile Room, did he at any time ever ask you if he could speak to his mother?

A I don't recall if he did. I think he did have a conversation initially when she came in. I explained to her what happened and asked her to wait outside.

Q Other than that initial conversation that Mrs. Richardson (sic) had with Kevin Richardson, after she went outside, did he ever ask you if he could speak to his mother?

A No, I don't believe so.

REYNOLDS - PEOPLE - REDIRECT

Q Did you have a conversation with Raymond Santana regarding where he lives?

A Yes.

Q And did you ask him for his address?

A Yes.

Q And did you have to do that with respect to preparing paperwork in this case?

A Yes.

Q Did you also have occasion with respect to the paperwork you were preparing to ask him with whom he resides?

A Yes.

Q And what did he tell you?

A He stated he lived with his father.

Q During the time that you had those five suspects in the Juvenile Room and Steve Lopez' father was outside, did Steve Lopez ever ask you if he could speak to his father?

A No.

Q During the time that you had Raymond Santana in the Juvenile Room did he ever ask to go outside to speak to his grandmother or his father?

A No, definitely not.

MR. RIVERA: Objection, it's a

1 REYNOLDS - PEOPLE - REDIRECT  
2 characterization.

3 THE COURT: I'll allow it.

4 Q Until the time Detectives Whelpley and  
5 Farrell arrived at the Central Park Precinct, where  
6 were the five suspects who had been arrested?

7 A They were in the Juvenile Room.

8 Q And to the best of your knowledge, what time  
9 was it when the Detectives Whelpley and Farrell  
10 arrived?

11 A It was about 5:30.

12 Q And was it at about 5:30 that interviews  
13 were begun?

14 A Yes.

15 Q And the first interview was with which  
16 suspect?

17 A That was with Lamont McCall.

18 Q Where was that interview conducted?

19 A That was conducted in the Juvenile Room.

20 Q And at the time that that interview was  
21 conducted or was begun, what, if anything, happened  
22 with respect to the other four suspects who had been  
23 in that room?

24 A They were taken out of the room and placed--  
25 on the map you will see it as the top part of the

REYNOLDS - PEOPLE - REDIRECT

building; they were placed in the top part with their parents.

Q When you're talking about "the top part," you're talking about the portion of the building that's closer to the 86th Street transverse?

A That's correct.

Q And is that a clerical office?

A Yes, it is.

Q And when the four suspects were taken from the Juvenile Room and put in that clerical office, were they allowed to sit with their families and parents?

A Yes.

Q And were they instructed as to whether or not they could speak with their families?

A No.

Q Was there any instruction at all when the suspects were put in that room?

A When the suspects were placed with their parents to wait?

Q Yes.

A No. We just asked them to sit tight with their parents.

Q And at that time everyone, other than Lamont

REYNOLDS - PEOPLE - REDIRECT

1  
2 McCall, was placed in that room?

3 A That's correct.

4 Q Approximately far is Central Park West on  
5 the block, 101st Street to 102nd Street from 96th  
6 Street and the bridle path, if you know?

7 A Could you repeat that?

8 Q Approximately how far is Central Park West  
9 and 101st Street and 102nd Street from the 96th  
10 Street bridle path?

11 A Maybe three or four blocks.

12 Q Directing your attention to People's 7 in  
13 evidence, the area from 96th Street and the bridle  
14 path, going directly west from that area, how far is  
15 it to Central Park West in terms of a city block, if  
16 you know?

17 A From the bridle path to Central Park West?

18 Q Yes, from 96th Street and the bridle path to  
19 Central Park West.

20 A Maybe a block.

21 Q Thank you.

22 After Night Watch detectives arrived and began  
23 interviewing suspects in the Juvenile Room and  
24 detectives from the day shift at Central Park  
25 arrived, were you allowed to go home?

1 REYNOLDS - PEOPLE - REDIRECT

2 A No.

3 Q And who made the decision about whether you  
4 could finish your tour and leave or whether you had  
5 to stay?

6 A I believe that was-- I believe that was my  
7 captain.

8 Q And did there come a time when you were  
9 finally allowed to leave?

10 A Yes.

11 Q And when was that?

12 A That was Saturday morning.

13 Q And was that your request or your decision  
14 or your captain's decision?

15 A No, that was a supervisor's decision.

16 Q Officer, if you know, the avenue, Broadway,  
17 how many blocks away from Central Park West is  
18 Broadway?

19 MR. BERMAN: At which street?

20 A It's at least two blocks.

21 MR. BERMAN: There's no point of  
22 reference.

23 Q At Central Park West at 96th Street, if you  
24 continue to go west, what is the next avenue?

25 A Columbus.

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1 REYNOLDS - PEOPLE - REDIRECT

2 Q And after Columbus, what is the next avenue?

3 A Amsterdam.

4 Q And after Amsterdam, what is the next  
5 avenue?

6 A Then it's Broadway, I believe.

7 Q Officer, are you familiar with the-- with a  
8 form called a 250?

9 A Yes, I am.

10 Q And what is a 250?

11 A That's called a Stop and Frisk Report.

12 Q And when is it-- when are you required to  
13 fill out a 250?

14 A Usually when you stop and question somebody  
15 in regards to a crime and it turns out they didn't  
16 commit the crime and you let them go. This is to  
17 record the stop that you made along with the  
18 description.

19 Q And when that person is actually  
20 subsequently arrested, is it still necessary to  
21 prepare a 250 report?

22 A No.

23 Q During the time that you had Kevin  
24 Richardson and Steve Lopez and Raymond Santana in  
25 the Juvenile Room from approximately shortly after

REYNOLDS - PEOPLE - REDIRECT

11 p.m. until the time they went to sleep, would you describe how they behaved.

MR. RIVERA: Objection.

THE COURT: I'll allow it.

A How they behaved in the Juvenile Room?

Q Yes.

A They really-- it seemed to me they didn't care, you know, pretty arrogant.

MR. DILLER: Objection.

MR. RIVERA: Objection.

THE COURT: Just describe what you saw. Describe what they looked like, what they said and did and didn't do and I'll draw the conclusion.

Q Did you see any of them crying?

A No.

Q Did you see any of them talking?

A Yes, they spoke freely to each other.

Q Did you notice whether they were laughing or singing or doing anything?

A That night there was no singing but they were talking and everything, you know, conversations.

MS. LEDERER: If I may just have one

1 REYNOLDS - PEOPLE - RECROSS - BERMAN  
2 moment, your Honor?

3 I have nothing further.

4 Thank you.

5 RECROSS EXAMINATION

6 BY MR. BERMAN:

7 Q In that designated Juvenile Room, are there  
8 any particular facilities for juveniles?

9 A The--

10 Q Juvenile Room that you testified about, is  
11 there anything in that room particularly that makes  
12 it suitable for juveniles?

13 MS. LEDERER: Objection.

14 THE COURT: I'll allow it.

15 A I don't know because I don't know what the  
16 requirements are which makes it a juvenile room.

17 Q Is it used exclusively for the retention of  
18 juveniles?

19 A No.

20 Q Is it basically used as an office during the  
21 day?

22 A Yes.

23 Q And is it fair to say in that precinct you  
24 take any juveniles into custody, you use that office  
25 to hold the juveniles while they're at the precinct?

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1 REYNOLDS - PEOPLE - RECROSS - BERMAN

2 A Could you repeat that?

3 Q Is it fair to say that in that precinct  
4 juveniles that are taken into custody, that office  
5 that you refer to as the Juvenile Room is the office  
6 that is used to keep the juveniles in?

7 A That's correct.

T9/LF

8  
9 Q And if they are kept overnight, they're  
10 supposed to sleep in that room?

11 MS. LEDERER: Objection.

12 THE COURT: Well, are they supposed to  
13 or is there any other facility for them to  
14 sleep other than--

15 THE WITNESS: None that I am aware of.

16 Q The Central Park Precinct has no facilities  
17 for juveniles to sleep in overnight, is that  
18 correct?

19 A It has no facilities for anyone to sleep.

20 Q Aren't we concerned here with juveniles--

21 MS. LEDERER: Objection.

22 THE COURT: Answer that. Do they have  
23 dormitories or bunks for juveniles, do they?

24 THE WITNESS: No.

25 Q Does that precinct have dormitories or beds

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1 REYNOLDS - PEOPLE - RECDSS - BERMAN

2 for officers to sleep there?

3 A There's two beds.

4 Q On the night in question on the night of  
5 April 19th to the 20th of April, do you know if  
6 those two beds were being used?

7 A I'm not aware of it, no.

8 Q Is it fair to say when the time came for  
9 these youngsters to fall asleep, they were given no  
10 choice but to sleep on the floor or sleep in a  
11 chair?

12 A Right.

13 Q Despite the fact you had at least two beds  
14 that you knew of in that precinct?

15 A If they were placed in those beds, there was  
16 no way to safeguard they would stay there.

17 Q Unless you had an officer watching them.

18 A That's correct. The two beds are on  
19 opposite ends of our locker rooms.

20 Q In other words, you would have needed two  
21 officers to watch them?

22 A At the very least.

23 Q And is that why none of these youths were  
24 allowed to sleep in those beds?

25 A No.

NYCLD\_023427

P-APP002138

1 REYNOLDS - PEOPLE - RECROSS - BERMAN

2 Q You testified on redirect that at some point  
3 all four of the youths except for Clarence Thomas  
4 fell asleep, is that right?

5 A Yes.

6 Q Where was Steve Lopez sleeping?

7 A I don't recall.

8 Q Do you know if he was on the floor?

9 A I don't recall.

10 Q Do you know if he was in a chair?

11 A I don't recall.

12 Q Do you have a mental image of him sleeping?  
13 Can you sort of close your eyes and see him  
14 sleeping?

15 A I knew all of them were sleeping.

16 Q Well, did you see that or did somebody tell  
17 you that?

18 A I saw it.

19 Q In that visual image of Steve Lopez  
20 sleeping, is he lying on the floor or sleeping in a  
21 chair?

22 A There's no visual image. I remember it  
23 because I asked Clarence Thomas why he wasn't  
24 sleeping. I asked him why he wasn't sleeping  
25 because I knew the others were sleeping.

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1 REYNOLDS - PEOPLE - RECROSS - BERMAN

2 Q Now, when you say these four hours slept a  
3 good part of the night, you said that by 3 a.m.  
4 those four were asleep; is that correct?

5 A That's the time I made-- that he made the  
6 statement to me.

7 Q And by 5:30 a.m. they were taken out of the  
8 designated Juvenile Room, weren't they?

9 A That's correct.

10 Q Were they put in another designated juvenile  
11 room?

12 A I don't know how much of it is designated.  
13 It might or might not be.

14 Q Can you testify under oath here that the  
15 room outside the Juvenile Room is a designated  
16 juvenile facility?

17 MS. LEDERER: Objection.

18 THE COURT: I will allow it.

19 A I couldn't testify to it. I don't know.

20 Q So, the requirement that juveniles be kept  
21 in a designated juvenile facility, at least at the  
22 Central Park Precinct, translates itself that when  
23 it's suits the officers they are, and when it suits  
24 the officers they aren't?

25 MS. LEDERER: Objection.

1 REYNOLDS - PEOPLE - RECROSS - BERMAN

2 THE COURT: Objection sustained.

3 Q What is your understanding of the rule that  
4 juveniles be kept in a juvenile designated facility?

5 MS. LEDERER: Objection.

6 THE COURT: Sustained.

7 Q Are you aware of a rule that juveniles are  
8 supposed to be kept in a juvenile facility while at  
9 the precinct?

10 MS. LEDERER: Objection.

11 THE COURT: I will allow it.

12 A Yes.

13 Q And the only designated juvenile facility  
14 that you know of at the Central Park Precinct is the  
15 one room that you have described, is that right?

16 A Yes.

17 Q And there came a time by 5:30 in the morning  
18 when the four of the youths other than Lamont McCall  
19 were taken or sent out of the designated juvenile  
20 room, isn't that right?

21 A That's correct.

22 Q And they were put in a room that is not a  
23 juvenile room?

24 A Again, I'm not aware of what the  
25 requirements are in the whole building is a juvenile

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1 REYNOLDS - PEOPLE - RECROSS - BERMAN  
2 room or just that room. They were taken out of the  
3 room where I did the paperwork.

4 Q Under oath you are only prepared to say only  
5 one room is the juvenile room, is that right?

6 MS. LEDERER: Objection.

7 THE COURT: Sustained.

8 Q Is it your testimony maybe that is a  
9 juvenile room too?

10 A Again, I don't know.

11 Q Did they sleep walk into that room?

12 MS. LEDERER: Objection.

13 THE COURT: Sustained.

14 Counsel, let's be serious. That is not  
15 a serious question.

16 Q When you testified that they slept a good  
17 part of the night, did they sleep past 5:30? That's  
18 the serious question.

19 THE COURT: Well, ask only serious  
20 questions. This is a serious matter, and  
21 let's ask a serious question.

22 Q Did they sleep past 5:30?

23 A You mean after they were placed in the other  
24 room, when they were with their parents? If they  
25 were or they slept with their parents, I don't know.

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1 REYNOLDS - PEOPLE - RE CROSS - BERMAN

2 Q When you testified on redirect that they  
3 slept a good part of the night, does that mean from  
4 3 to 5 a.m.?

5 A At least three, three being a reference  
6 point that I have that they were sleeping at that  
7 time.

8 Q You are prepared to testify under oath at  
9 least 3 to 5:30 they slept?

10 A At the very least.

11 Q And in your mind two-and-a-half hours is a  
12 good part of the night?

13 MS. LEDERER: Objection.

14 THE COURT: Sustained.

15 Q What did you mean when you said they slept a  
16 good part of the night?

17 A I mean they had some time to sleep, more  
18 time than I did.

19 MR. MOORE: Objection to that last part.

20 THE COURT: Yes, strike out the last  
21 part.

22 Q What do you mean by a good part of the  
23 night?

24 MS. LEDERER: Objection.

25 MR. BERMAN: That was his testimony on

1 REYNOLDS - PEOPLE - RECROSS - BERMAN  
2 direct.

3 MS. LEDERER: Asked and answered.

4 THE COURT: I will let him answer as to  
5 what time they slept. Whether it is a good  
6 part of the night, I will decide.

7 Q Now, you testified earlier that as the  
8 parents arrived, they were told to wait outside of  
9 the Juvenile Room, isn't that right?

10 A That's correct.

11 Q On redirect today for Miss Lederer, you  
12 testified that Steve Lopez never asked to speak to  
13 his father during the time he was in the Juvenile  
14 Room, right?

15 A I don't believe he did.

16 Q He certainly didn't during the time that he  
17 was asleep, isn't that right?

18 A That's right.

19 Q Did you ever see him conferring with his  
20 father?

21 A He definitely did after 5:30.

22 Q Did you ever see him conferring with his  
23 father?

24 A Yes.

25 Q When was that and for how long was that?

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1 REYNOLDS - PEOPLE - RE CROSS - BERMAN

2 A I don't know the specific time.

3 Q Approximately when was that?

4 A He might have before 5:30. I know after  
5 5:30 he definitely did speak with his father.

6 Q When was that approximately? If it was  
7 after 5:30, approximately how long?

8 A I don't know.

9 Q Is it fair to say when the interview of Mr.  
10 McCall began, you were in the Juvenile Room?

11 A Yes.

12 Q And that began at about 5:30?

13 A About that time.

14 Q And you didn't come out of that room for how  
15 long?

16 A I don't recall specifically how long I was  
17 there.

18 Q And is it-- what you are saying is when  
19 Steve Lopez was woken up and sent out into the other  
20 room, you saw him greet his father?

21 A I know he was out there with his father.

22 Q And you went back into the Juvenile Room?

23 A Yes.

24 Q And you don't know whether he consulted with  
25 his father about this case, do you?

1 REYNOLDS - PEOPLE - RECROSS - BERMAN

2 A No, I don't know.

3 Q All you can say is when you woke him up and  
4 sent him out of the room, he acknowledged the  
5 presence of his father out there?

6 A I believe he was with his father.

7 Q In terms of whether he consulted with his  
8 father, you're not able to testify to that, are you?

9 A Excuse me? Can you repeat that?

10 Q In terms of whether Steve Lopez had any  
11 discussion of any length with his father, you're not  
12 able to testify to that, are you?

13 A Oh, no.

14 Q When the four youths were sent out into the  
15 anteroom, out of the Juvenile Room--

16 A Which room?

17 Q Whatever you call that room that is outside  
18 the Juvenile Room, what do you call that?

19 A The clerical office.

20 Q The clerical office; was there some officer  
21 who watched them in that clerical office?

22 A Yes.

23 Q They were still in custody?

24 A Yes.

25 Q They were still not free to leave?

1 REYNOLDS - PEOPLE - RECROSS - BERMAN

2 A That's correct.

3 Q Their paperwork was done?

4 A Not entirely, no.

5 Q I believe you told us last week that you  
6 started the paperwork around 11, 11:30?

7 A That's right.

8 Q You said it took you two or three hours to  
9 finish it?

10 A I pretty much finished everything. I did  
11 say there were captions that were left open and  
12 there were things that had to be done.

13 Q Do you recall during my cross-examination  
14 yesterday, I guess, saying that by 5:30 or so the  
15 paperwork was done as to the unlawful assembly  
16 charges; do you recall that?

17 A Could you repeat that?

18 Q That by 5:30 the paperwork was certainly  
19 done as to the unlawful assembly charges?

20 A Again, majority of the paperwork was done.  
21 There was still things that weren't put in yet.

22 Q Do you recall telling me on  
23 cross-examination that what was holding Steve Lopez  
24 after 5:30 or 6:00 was not the unlawful assembly  
25 charges but the fact that your Lieutenant McInerney

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1 REYNOLDS - PEOPLE - RECROSS - BERMAN  
2 told you to keep these kids there because he wanted  
3 them questioned; isn't that so?

4 A I stated Lieutenant McInerney told me that  
5 the detectives from Night Watch wanted to interview  
6 the individuals that we had in custody.

7 Q And he told you to keep them there, didn't  
8 he?

9 A He told me to hold them there so they could  
10 interview them.

11 Q Against their will?

12 A He did not say that.

13 Q He told you to hold them there?

14 A Yes.

15 Q That was what was keeping Steve Lopez there  
16 at 5:30 in the morning, is that correct?

17 A That's correct.

18 Q Not the unlawful assembly charge?

19 A No, I don't believe so.

20 Q Do you know from your own recollection or a  
21 review of the reports when the first police officer  
22 first began to question Steve Lopez?

23 MS. LEDERER: Objection, this witness  
24 can't testify from a review of the police  
25 reports.

NYCLD\_023437

P-APP002148

1 REYNOLDS - PEOPLE - RECROSS - BERMAN

2 THE COURT: What was your question?

3 MR. BERMAN: If he knows, when the first  
4 police officer ever started to question  
5 Steve Lopez.

6 THE COURT: I will allow it, if he  
7 knows.

8 A I don't know.

9 Q Now, on redirect just now a little while  
10 ago, you told Miss Lederer when you were at 102nd  
11 Street and Central Park West, your radio was  
12 working?

13 A Yes, it was.

14 Q Is this one of those that clicks onto your  
15 clothes?

16 A No.

17 Q Is this a radio that you hold in your hands?

18 A Yes.

19 Q And at some point when you were at 102nd and  
20 Central Park West you heard other radio runs about  
21 officers pursuing other individuals around the pond  
22 and ballfields?

23 A Could you repeat that?

24 Q You said something on redirect today about  
25 hearing radio runs about other officers pursuing

REYNOLDS - PEOPLE - RE CROSS - BERMAN

other individuals around the pond and around the ballfields?

A That's correct.

Q And this you heard after you had apprehended Steve Lopez?

A Right.

Q This is while you were standing there with him at 102nd and Central Park West?

A That's correct.

Q This is after you had put him up against the wall?

A That's correct.

Q And you understood those radio runs to be about individuals who had attacked Mr. Loughlin?

A I understood that to be the individuals that we had attempted to stop that my partner was in pursuit of on foot.

Q Is it fair to say that up until the moment when you apprehended Steve Lopez, you had become aware there were thirty or so youths running around the park causing trouble?

A Yes.

Q And is it fair to say that at that point you would have arrested anyone whom you thought was one

1 REYNOLDS - PEOPLE - RECROSS - BERMAN

2 of those thirty youths who were causing trouble in  
3 the park?

4 A No, that is not really fair to say, no.

5 Q Would you have arrested only those whom you  
6 thought you had probable cause to believe that  
7 assaulted Mr. Loughlin?

8 A I would have arrested whoever I had probable  
9 cause, yes.

10 Q As to the assault on Mr. Loughlin?

11 A Or to the assault on anybody else or any  
12 other crimes.

13 Q And as to Steve Lopez, what was the crime  
14 that you apprehended him for?

15 A What did I initially stop him for, is that  
16 what your question is?

17 Q Well, when you first seized him.

18 A When I first stopped him, that was for the  
19 assault on Mr. Loughlin and other assaults inside  
20 the park.

21 Q And you felt you had probable cause as to  
22 the assault on Mr. Loughlin, as to the assault, and  
23 Steve Lopez--

24 MS. LEDERER: Objection.

25 THE COURT: I'll allow it.

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1 REYNOLDS - PEOPLE - RE CROSS - BERMAN

2 A We weren't aware if we had probable cause,  
3 but our level of suspicion was arising. We had the  
4 right to stop and question him at that point.

5 Q And you stopped him?

6 A Yes.

7 Q You questioned him?

8 A No.

9 Q Did you stop him to question him?

10 A We stopped him to ascertain what was going  
11 on. I didn't have a chance to question him because  
12 my partner was in pursuit of the others.

13 Q Your purpose in stopping him was to question  
14 him, is that correct?

15 A That's right.

16 Q And you yourself had him in your custody  
17 until at least 5:30 in the morning?

18 A That's correct.

19 Q Did you ever question him from 10:30 at  
20 night until 5:30 in the morning?

21 A Other than pedigree, there was nothing to  
22 question him about.

23 Q Did you stop him to question him?

24 A We stopped him to ascertain if he committed  
25 the crime.

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1 REYNOLDS - PEOPLE - RECROSS - BERMAN

2 Q How would you ascertain that, by questioning  
3 him?

4 A By questioning him, if necessary, or showup  
5 or whatever means available to us.

6 Q Did you question him?

7 A No.

8 Q Did you do a showup?

9 A No.

10 Q What did you stop him for?

11 A For the assault on Mr. Loughlin and the  
12 other assaults in the park.

13 Q Did you believe you had probable cause as to  
14 the assault on Mr. Loughlin as to Steve Lopez?

15 MS. LEDERER: Objection.

16 THE COURT: He has already answered the  
17 question.

18 MR. BERMAN: He has answered it six  
19 different ways.

20 THE COURT: I will let him answer it  
21 again.

22 A I believe we had a right to stop him.

23 Q To stop and question him?

24 A We had the right to stop and question him.  
25 I didn't say I questioned him, I said we had the

1 REYNOLDS - PEOPLE - RECROSS - BERMAN

2 right.

3 Q You felt you could stop and frisk him?

4 A For my safety, yes.

5 Q And you did frisk him?

6 A Yes.

7 Q And you didn't find anything when you  
8 frisked him?

9 A That's correct.

10 Q Did the absence of a weapon increase  
11 probable cause in your mind?

12 MS. LEDERER: Objection.

13 THE COURT: Objection sustained.

14 Q Once you stopped Steve Lopez, what was the  
15 first additional thing that came to your attention  
16 that gave you any evidence against him with regard  
17 to the assault on Mr. Loughlin?

18 MS. LEDERER: Objection as to form.

19 THE COURT: If he understands the  
20 question, I'll let him answer it.

21 A Repeat it, please.

22 Q After stopping Mr. Steve Lopez, what was the  
23 first bit of evidence you encountered that tended to  
24 link him up to Mr. Loughlin?

25 A The fact that he was with the group and he

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had denied being with him. He made statements that they were going to rob him and that he was ahead of the group when I observed him with the group, and it was obvious he was not going to be robbed and it was obvious that he did know them.

Q Prior to stopping Steve Lopez, did you see him talking to any member of the group?

A I saw him in the group as part of the group. He stated that he was walking ahead of the group and he was not.

Q Try to answer my question. Prior to stopping Steve Lopez, did you see him talking to anybody in the group?

A Did I see him specifically speaking to anybody?

Q That's right.

A Not that I recall. When I saw the group, I saw them as a group. I didn't pick out individuals in the group.

Q Did you see Steve Lopez before those ten or so other youths started running?

A I don't understand what you mean.

Q I mean, did you see Steve Lopez before the ten or so other youths started running?

NYCLD\_023444

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1 REYNOLDS - PEOPLE - RECROSS - BERMAN

2 A Again, I saw them as a group. I didn't see  
3 individuals. I saw a group and this is what we were  
4 looking for.

5 Q I take it your answer to my question is you  
6 didn't see Steve Lopez until after the other youths  
7 starting running?

8 MS. LEDERER: Objection.

9 THE COURT: Specifically is that what  
10 you are asking?

11 MR. BERMAN: I am asking about Steve  
12 Lopez in particular.

13 A I didn't see Steve Lopez specifically as an  
14 individual. I just saw the group he was a part of.

15 Q And there came a time when ten or twelve of  
16 them ran away and all that was left was Steve Lopez  
17 and Raymond Santana?

18 A That's correct.

19 Q And that's when you first saw him?

20 A That's when I first saw him as Steve Lopez  
21 and I recognized him as an individual and not part  
22 of the group.

23 Q What made you decide never to question Steve  
24 Lopez?

25 A I didn't decide not to question him. It is

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1 REYNOLDS - PEOPLE - RECROSS - BERMAN

2 just I felt it wasn't necessary.

3 Q You told us that your reason for stopping  
4 him was to question him or to put him in a showup,  
5 is that right?

6 A Originally.

T10/FR 7

8 Q And you didn't put him in a showup, right?

9 A Right.

10 Q And you didn't question him?

11 A Right.

12 Q Why didn't you question him?

13 A Because I was listening to the radio, my  
14 partner, and the chase in the park. I was more  
15 concerned with my partner at that point than  
16 questioning the two there.

17 Q What about the six-and-a-half hours from  
18 11:00 to 5:30 at the precinct, why didn't you  
19 question them then?

20 A I wanted to do the paperwork so they could  
21 be released and go with their parents and they could  
22 go home and I could go home.

23 Q After 4:00 you knew from your lieutenant not  
24 to let them go, is that correct?

25 A That's correct.

NYCLD\_023446

P-APP002157

1 REYNOLDS - PEOPLE - RE CROSS - BERMAN

2 Q So, after 4:00 the paperwork is not the  
3 excuse to question Steve Lopez, was it?

4 A That's right.

5 Q After 4:00 the whole purpose was to question  
6 Steve Lopez, is that right?

7 A That's correct.

8 Q But you were not questioning him?

9 A I was not the investigator at that time. It  
10 was not my place to question him at that point.

11 Q Let's say at four in the morning he was  
12 placed under arrest for the assault on the female  
13 jogger?

14 A No.

15 Q He was just informally there but not free to  
16 leave?

17 A No, he was formally under arrest.

18 Q I'm talking about for the assault on the  
19 female jogger. He was not under arrest for the  
20 assault on the female jogger, was he?

21 A No.

22 Q And basically he was being kept because the  
23 lieutenant said keep him here, we want to question  
24 him?

25 A No, he stated the detectives wanted to speak

1 REYNOLDS - PEOPLE - RECROSS - BERMAN

2 to him.

3 Q Steve Lopez was being kept after 4:00  
4 because Lieutenant McInerney said that the  
5 detectives wanted to question him?

6 A That's correct.

7 Q And was Steve Lopez at 4:00 woken up and  
8 told that he's now not going to go with his parents?

9 A No.

10 Q Was he told that he was going to be kept for  
11 awhile because detectives wanted to talk with him?

12 A No.

13 Q When he was woken up at 5:30 and put in the  
14 other room, the clerical room, was he told he is not  
15 going to go home with his parents?

16 A No.

17 Q Was he told he was being kept beyond the  
18 unlawful assembly case because detectives wanted to  
19 question him about something else?

20 A I don't believe so.

21 Q When you suggested to the parents that they  
22 leave and go buy food for their children, is it fair  
23 to say that's because you knew their children were  
24 going to be there for a few more hours?

25 A I never suggested that.

1 REYNOLDS - PEOPLE - RECROSS - BERMAN

2 Q What was it you said to the parents that  
3 they could go buy food for their children?

4 A I only informed them where they could go get  
5 food.

6 Q And that was about what time?

7 A About 4:30, 4:20; after four.

8 Q And is it fair to say that you informed the  
9 parents where they could go get food because you  
10 knew after your conversation with Lieutenant  
11 McInerney at 4:00, you knew that these kids were not  
12 going home that night?

13 A I informed them of it because I knew they  
14 were walking out to get something to eat and instead  
15 of sending them to the east side where there are no  
16 stores open, I directed them to the west side where  
17 there is a greater variety to get something to eat  
18 and that they could get it quicker and come back.

19 Q Is it fair to say that you understood that  
20 you needed at least on parent per kid before you  
21 could question the kid?

22 A Again, I was not going to question them.

23 Q I don't mean you, the police collectively--

24 MS. LEDERER: Objection.

25 THE COURT: Let him ask the question.

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1 REYNOLDS - PEOPLE - RECROSS - BERMAN

2 Q Did you understand that with a youth under  
3 the age of sixteen, he can't be questioned without a  
4 parent present?

5 A That's correct.

6 Q And did you understand that you needed at  
7 least one parent per kid before the police could  
8 question these kids?

9 A I was not-- it wasn't my concern at that  
10 time.

11 Q When you learned at 4:00 from the Lieutenant  
12 McInerney that these kids weren't going home, that  
13 they were being kept for the Night Watch detective  
14 to come and question them, did you tell that to Mr.  
15 Lopez senior, to Steve Lopez' father?

16 A No.

17 Q Now, as to Mr. Lopez' father, he had been  
18 called down to the precinct to come and pick up his  
19 son; is that correct?

20 A That's correct.

21 Q Do you know when the police finally told him  
22 that he wasn't going to be picking up his son?

23 A No, I don't know.

24 Q Between 4:00 when you learned that Steve  
25 Lopez wasn't going home and 5:30 when you went back

REYNOLDS - PEOPLE - RECROSS - BERMAN

1 into the Juvenile Room to begin the interview with  
2 Lamont McCall, did you ever tell the parents that  
3 these kids aren't going home?  
4

5 A No.

6 Q Isn't it fair to say you continued to leave  
7 them with the impression that there's just a little  
8 more paperwork to be done and then they will be  
9 taking their kids home?

10 A That's fair to say.

11 Q Now, Miss Lederer went through--

12 THE COURT: Excuse me, will you be much  
13 more?

14 MR. BERMAN: No, a minute or two.

15 Q You went through some questions about how  
16 many chairs were in that room and I think you said  
17 there were at least four chairs, is that right?

18 A At least four chairs.

19 Q In other words, there were enough chairs for  
20 yourself and three of the five kids to sit down at  
21 one time?

22 A No, I said there was four-- looking at the  
23 diagram, I see there are four desks and I know there  
24 are-- there's one chair for each desk, okay. I  
25 don't know the exact number, so I stated that

1 REYNOLDS - PEOPLE - RECROSS - BERMAN

2 because I know there is at least that many for the  
3 amount of desks we have. We had probably more.

4 Q At that hour at night, one, two, three, four  
5 in the morning, is it your testimony that the  
6 parents were left out of the room because there were  
7 not enough chairs for the parents?

8 A That's not my testimony.

9 Q Were there folding chairs in the precinct  
10 that they could have been brought in for the  
11 parents?

12 A I don't think so, no.

13 Q There were other chairs that could have been  
14 used?

15 THE COURT: That was not the reason, the  
16 absence of chairs?

17 THE WITNESS: No.

18 Q The idea was to keep the parents from the  
19 kids, is that right?

20 A The idea was to let me do the paperwork as  
21 quickly as possible without being interrupted.

22 Q What prevented you from letting the kids sit  
23 out in the waiting area, the same thing you did at  
24 5:30? What prevented you from doing that when the  
25 parents first arrived?

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1 REYNOLDS - PEOPLE - RE CROSS - BERMAN

2 A Security reasons.

3 Q If it was safe to let them sit with their  
4 parents from 5:30 on in the clerical area, why  
5 wasn't it safe to have them sit with their parents  
6 from 1:00 on in the clerical area?

7 A A police officer was made available at that  
8 time in the morning. Earlier what could I do, go to  
9 the desk officer to pull someone off patrol to watch  
10 these kids? What's more important?

11 Q Did you ask?

12 A No.

13 Q At 1:30 when the parents were there, did you  
14 go to the desk and ask if there was a way to have  
15 someone go sit with the parents and watch the kids?

16 A No.

17 Q Were you more concerned with getting your  
18 paperwork done?

19 A Yes.

20 MR. BERMAN: No further questions.

21 THE COURT: Recess until 2:15.

22 (Luncheon recess.)

T11/LF 23

24 A F T E R N O O N S E S S I O N

25 THE COURT CLERK: Recalling calendar

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COLLOQUY

four, Indictment 4762 of '89, Kharey Wise, Yusaf Salam, Antron McCray, Kevin Richardson, Steve Lopez, Michael Brisco and Raymond Santana. Hearing continued.

THE COURT: Mr. Moore, do you have any questions.

The issue we raised before applied to you, but in the future. I don't know what standing you have as far as this witness, but in any case, since I allowed you, and there was no objection on cross, we will allow the recross.

(Witness resumed the stand.)

THE COURT CLERK: Officer, you're still under oath.

THE COURT: Go ahead.

RE CROSS EXAMINATION

BY MR. MOORE:

Q Officer Reynolds, in response to questions from the District Attorney, you stated that it was unusual to see ten or twelve black or Hispanic youths in the park at that particular time, am I correct?

A I said on the street.

1 REYNOLDS - PEOPLE - RECROSS - MOORE

2 Q On the street?

3 A Yes.

4 Q Now, Officer, this was the 19th of April of  
5 this year, am I correct?

6 A That's correct.

7 Q That is within the season that is familiarly  
8 known as spring, am I correct?

9 A I guess so. I don't know when it starts or  
10 ends.

11 Q What was the temperature that night? Was it  
12 in the 50's?

13 A I don't recall.

14 Q You were wearing a windbreaker, am I  
15 correct?

16 A I believe so.

17 Q You weren't wearing a winter coat?

18 A No.

19 Q It wasn't snowing, was it?

20 A Excuse me?

21 Q It was not snowing, was it?

22 A No.

23 Q Was it what you would call a pleasant  
24 evening?

25 MS. LEDERER: Objection.

REYNOLDS - PEOPLE - RECDSS - MOORE

THE COURT: I'll allow it.

A I don't know what you mean by pleasant.  
Weather wise?

Q Yes, weather wise.

A I guess so. I don't really recall.

Q And in response to a question from Mr.  
Rivera, you had stated that you observed certain  
apartment buildings, I think, on the western side of  
Central Park West; am I correct?

A I told him I was aware that there were  
buildings there.

Q And you are also aware that there are blacks  
and Hispanics who live in those buildings?

A That's correct.

Q So, based on those factors are you stating  
it is unusual to see a group of blacks and Hispanics  
walking on the street of Central Park West in the  
spring?

A Yes. Usually you'll see a group hanging  
out. Usually you don't see the group, an entire  
group that large walking around.

Q Now, Officer, you did not know where that  
group was coming from, am I correct?

A No, I assumed that they were coming from the

1 REYNOLDS - PEOPLE - RECROSS - MOORE

2 park.

3 Q You assumed?

4 A That was why I stopped them.

5 Q What was your assumption based on?

6 A On the radio runs that we got and the  
7 descriptions of the people we were looking for.

8 Q The radio runs said four or five blacks or  
9 Hispanics had attacked Mr. Loughlin, am I correct?

10 A That was one radio run.

11 Q That was one radio run?

12 A Yes.

13 Q So, therefore, this group of ten or twelve  
14 people could not refer to the same group that had  
15 attacked Mr. Loughlin, could it?

16 MS. LEDERER: Objection.

17 THE COURT: Sustained.

18 Q You did not personally observe where the  
19 group was coming from?

20 A That's correct.

21 Q So, the group, in fact, could have been  
22 coming from, say, Broadway and 96th Street; isn't  
23 that correct?

24 A Sure.

25 Q Now, in response to a question, I think from

1 REYNOLDS - PEOPLE - RE CROSS - MOORE

2 Mr. Berman, you had indicated that either Lopez or  
3 Santana had told you that they had come from a  
4 cinema, am I correct?

5 A They stated-- one of them stated they had  
6 come from the movies.

7 Q Yes, that's right. Now, did you ask the  
8 gentleman who gave you that answer, did you ask what  
9 movie he had seen?

10 A No, he stated the name.

11 Q The answer is no, am I correct?

12 A That is correct.

13 Q Did you ask him what movie theater he had  
14 come from, yes or no?

15 A No.

16 Q And one of the young men had also stated he  
17 had just come from seeing a girlfriend, am I  
18 correct?

19 A That's correct.

20 Q You didn't ask him the name of his  
21 girlfriend, did you?

22 A No.

23 Q You didn't ask him where his girlfriend was  
24 living, did you?

25 A No.

1 REYNOLDS - PEOPLE - RECROSS - MOORE

2 Q And you stated that just based on their  
3 answer, that one individual had come from the cinema  
4 and one from his girlfriend's, just based on those  
5 facts you tended to disbelieve them; am I correct?

6 MS. LEDERER: Objection.

7 THE COURT: Objection sustained.

8 That's not what he said.

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10 Q Well, did you believe or did you have any  
11 reason-- when, for example, when one of the young  
12 men said he had come from the cinema, did you have  
13 any basis for disbelieving him?

14 A Yes.

15 Q What was that basis?

16 A The basis was the amount of radio runs we  
17 got with the description of the youths that were  
18 committing these crimes in the park, and the fact  
19 that they were part of a group that ran upon us.

20 Q My question is, based on the answer alone  
21 did you have any reason to disbelieve that the  
22 answer he was giving you was untrue?

23 A Yes.

24 Q And that was based on anything he had said  
25 but because of some radio run that you had heard, am

1 REYNOLDS - PEOPLE - RECROSS - MOORE

2 I correct?

3 A That's correct.

4 Q Now, you had also stated, Officer, at some  
5 point in time you had placed both of these young men  
6 in a police vehicle and had them transported to the  
7 playground, I think it was?

8 A No.

9 Q You had put them in a police vehicle and  
10 took them somewhere, am I correct?

11 A They were taken somewhere.

12 Q Somewhere where I think Sergeant Laile was?

13 A That's correct.

14 Q At the stage that they were placed in the  
15 vehicle, at this particular moment of time were they  
16 under arrest or not?

17 A Well, that's really more of a technical  
18 question as far as the law goes. I placed--  
19 handcuffs were placed on them and they were placed  
20 in the vehicle. My intention was that we had them  
21 in custody. It could be argued that they were under  
22 arrest.

23 Q Well, were they under arrest in your  
24 opinion?

25 A I did not consider them under arrest at that

1 REYNOLDS - PEOPLE - RECROSS - MOORE

2 time.

3 Q You did not?

4 A No.

5 Q So, they were free to go?

6 A No.

7 Q So, they were not free to go and yet they  
8 were not under arrest?

9 A Well, again, this is my interpretation of  
10 it.

11 Q You also stated, Officer Reynolds, that you  
12 could not do a showup at the playground, am I  
13 correct?

14 A That's correct.

15 Q And what-- why was it you weren't able to do  
16 a showup at that playground?

17 A I believe it was the injuries to the  
18 complainant. He had-- one of his eyes were badly  
19 damaged as a result of the assault upon him.

20 Q But his other eye was functioning well, was  
21 it not?

22 A I don't know. I wasn't at the hospital.

23 Q Oh, but you didn't see the condition of Mr.  
24 Loughlin at that particular point in time?

25 A That's correct.

1 REYNOLDS - PEOPLE - RECROSS - MOORE

2 Q There came a time later, the next day, as a  
3 matter of fact, that you did visit Mr. Loughlin?

4 A No.

5 Q You did not?

6 A No.

7 Q Did you visit him two days later in the  
8 hospital?

9 A No.

10 Q By the way, Officer, did you-- I represent  
11 Kharey Wise who's the young man seated there. Do  
12 you recall--

13 THE WITNESS: Which one, the one facing  
14 away?

15 THE COURT: The one facing the other  
16 way?

17 MR. MOORE: Kharey.

18 Q Do you recall seeing him that night in that  
19 group of young men?

20 A You're asking me do I recall?

21 Q Yes, do you recall?

22 A No, I don't recall.

23 MR. MOORE: Thank you.

24 No further questions.

25 THE COURT: Mr. Diller.

1 REYNOLDS - PEOPLE - RECROSS - DILLER

2 RECROSS EXAMINATION

3 BY MR. DILLER:

4 Q Officer Reynolds, on direct examination--  
5 I'm sorry, on redirect examination today and each of  
6 your last appearances here, which was Friday, you  
7 had testified with respect to what you characterized  
8 as a Juvenile Room; do you recall?

9 A Yes, I do.

10 Q Now, am I correct in understanding that with  
11 respect to the Central Park Precinct, the Juvenile  
12 Room is a room that you so designate rather than a  
13 room that is used only for that purpose?

14 MS. LEDERER: Objection.

15 THE COURT: I'll let him answer.

16 A Could you repeat that?

17 Q In other words, that room is used for  
18 multi-purposes?

19 A That's correct.

20 Q And the precinct has designated that as a  
21 Juvenile Room only when necessary, is that right?

22 MS. LEDERER: Objection.

23 THE COURT: I'll allow it.

24 You mean they used it only when they had  
25 juveniles in custody?

1 REYNOLDS - PEOPLE - RECROSS - DILLER

2 MR. DILLER: Yes.

3 THE WITNESS: Yes.

4 Q And when there are no juveniles in custody,  
5 that room is used for other purposes, am I correct?

6 A Yes.

7 Q Now, am I correct in understanding that room  
8 contains persons under the age of sixteen years of  
9 age when arrested, basically?

10 A Yes.

11 Q And is it your understanding, Officer, that  
12 when you have in custody one under sixteen years of  
13 age, he's to be treated differently than one over  
14 sixteen; is that your basic understanding?

15 A I don't know what you mean by treated  
16 differently.

17 Q For one thing, he stays in the Juvenile  
18 Room, isn't that so?

19 A That's correct.

20 Q And you also go about notifying parents, is  
21 that correct?

22 A Yes.

23 MS. LEDERER: Objection.

24 Q Now, what is your understanding as to the  
25 significance of notifying parents?

1 REYNOLDS - PEOPLE - RECROSS - DILLER

2 MS. LEDERER: Objection.

3 THE COURT: Sustained.

4 Q Officer, you've been a police officer now  
5 for some eight years in New York City, haven't you?

6 A That's correct.

7 Q Am I correct that you had, during that  
8 eight-year period, had occasion to work in different  
9 precincts in the Borough of Manhattan?

10 A Since the arrest?

11 Q No, no, during your career.

12 A Yes.

13 Q And there are at least three or four  
14 different precincts that you worked in?

15 A No.

16 Q How many did you work in?

17 A In Manhattan?

18 Q Or anywhere.

19 A I was only assigned to two precincts.

20 Q And are you familiar with the precincts of  
21 other station houses other than Central Park?

22 MS. LEDERER: Objection.

23 THE COURT: Objection sustained.

24 Q Would it be fair to say that the Central  
25 Park Precinct is different and unique physically

1 REYNOLDS - PEOPLE - RECDROSS - DILLER

2 than the other station houses about which you are  
3 familiar?

4 MS. LEDERER: Objection.

5 THE COURT: Sustained.

6 Q Now, you said on redirect examination that  
7 there came a time that Mrs. Cuffy, Kevin  
8 Richardson's mother, came to the entrance of the  
9 Juvenile Room; do you recall that?

10 A Yes.

11 Q Do you recall what time it was that she  
12 came?

13 A I believe it was after twelve.

14 Q Could it have been 11:30?

15 A Yes.

16 Q And you said, I believe on Friday, that she  
17 sat in the clerical room; is that right?

18 A Yes.

19 Q And that was as per your instructions, is  
20 that right?

21 A Yes.

22 Q Now, you also said, if I recall properly,  
23 that you don't recall whether Kevin Richardson asked  
24 to speak to his mother?

25 A That's correct.

REYNOLDS - PEOPLE - RECROSS - DILLER

Q Do you recall if Mrs. Cuffy, Kevin's mother, asked to speak to Kevin?

A Again, I believe they had a brief conversation in the room. I don't-- she came into the room. I believe she said something to him and I had a couple of words with her and then she went back outside.

Q What kind of words did you have with her?

A Again, I don't recall. It was a very brief conversation. I explained initially what was going on and that was about it.

(Transcript continued on following page.)

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1 REYNOLDS - PEOPLE - RECROSS - DILLER

2 Q And what you explained is that Kevin  
3 Richardson would be going home?

4 A Yes.

5 Q Now, there came a time when the others,  
6 other than other suspects, other than Lamont McCall  
7 were asked to leave the Juvenile Room; is that  
8 correct?

9 A Can you rephrase that?

10 Q On redirect examination you testified that  
11 there came a time when Lamont McCall was interviewed  
12 privately in a Juvenile room and the others were  
13 asked to leave; the other five were asked to leave  
14 the Juvenile Room. Do you recall that?

15 A Yes.

16 Q And they went into the clerical office; is  
17 that right?

18 A That's correct.

19 Q And it was in that very office where Mrs.  
20 Cuffy was; isn't that so?

21 A Yes.

22 Q And there were other parents there?

23 A Yes.

24 Q Now, where was Kevin, if you can recall, in  
25 relation to Mrs. Cuffy in that clerical office, do

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T13-1f

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1 REYNOLDS - PEOPLE - RECROSS - DILLER

2 you know?

3 A He was right next to her. I don't recall  
4 specifically if he was in front of her or behind her  
5 or on top of her. I don't recall.

6 Q You were watching the suspects in that  
7 room, were you not?

8 A Yes.

9 Q Can you tell us that you saw Mrs. Cuffy or  
10 Kevin Richardson in a conversation?

11 A In the clerical office?

12 Q In the clerical office. That's where you  
13 were.

14 A Again, each child was with their parents.  
15 He probably had conversation with her. It wasn't  
16 something that I, you know, was consciously watching  
17 or was looking for.

18 Q You said probably. You have no direct  
19 recollection about that?

20 A Right.

21 Q And you didn't instruct Mrs. Cuffy in any  
22 regard with respect to Kevin on that occasion, did  
23 you?

24 A Instruct her in what?

25 Q That she had a right to a lawyer and things

10/16/89

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1 REYNOLDS - PEOPLE - RECROSS - DILLER

2 of that nature.

3 A No.

4 Q Now, you testified a while back on redirect  
5 examination that no one was crying with respect to  
6 the suspects.

7 THE COURT: Excuse me. No one was  
8 what?

9 MR. DILLER: No one was crying.

10 Q Do you remember so testifying?

11 A Right.

12 Q At the point at which you related no one  
13 was crying, didn't you indicate to those youngsters  
14 that they were all going home?

15 A Yes.

16 Q And therefore there was no need to cry if  
17 they were going home.

18 MS. LEDERER: Objection.

19 THE COURT: Objection sustained.

20 Q Now, directing your attention to after 4:00  
21 is when you got the call from Lieutenant McInerney.  
22 Do you recall that?

23 A Yes.

24 Q Did Mrs. Cuffy continue to remain in the  
25 clerical office?

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1 REYNOLDS - PEOPLE - RECROSS - DILLER

2 A After I was --

3 Q After you received the call.

4 A Yes.

5 Q That the female jogger had an incident; is  
6 that right?

7 A I believe so.

8 Q And where was Kevin Richardson at that  
9 point?

10 A He was in the clerical -- I mean, the  
11 Juvenile room.

12 Q And at that point you had known he wasn't  
13 going home; isn't that right?

14 A No.

15 Q Is that right?

16 A No.

17 Q That's not right?

18 A No.

19 Q When did you determine he was not going  
20 home?

21 A It was probably once he had made the  
22 statement to detectives that he was involved in the  
23 attack on the female jogger.

24 Q Now, what time was that?

25 A That was after 8:00.

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1 REYNOLDS - PEOPLE - RECROSS - DILLER

2 Q 8:00 in the morning?

3 A Yes.

4 Q Where was Mrs. Cuffy during this eight-and-  
5 a-half hour period?

6 A I don't understand your question.

7 Q In other words, we're now to 8:00 in the  
8 morning.

9 A Right.

10 Q And where is Kevin Richardson's mother at  
11 that stage?

12 A I assume she was with him during the  
13 interview.

14 Q You say you assume. What is the basis of  
15 your assumption?

16 MS. LEDERER: Objection.

17 THE COURT: I will allow it.

18 A That none of the juveniles were questioned  
19 without their parents.

20 Q Did you see Mrs. Cuffy in the same room  
21 with the detectives?

22 A No, I wasn't there.

23 Q So you're saying -- so only because you  
24 assume, but you had not seen anything; is that  
25 right?

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1 REYNOLDS - PEOPLE - RECROSS - DILLER

2 A That's right.

3 MR. DILLER: I have no further  
4 questions.

5 MR. JOSEPH: I have no questions.

6 MR. RIVERA: Your Honor?

7 THE COURT: Mr. Burns?

8 MR. BURNS: I have no questions, your  
9 Honor.

10 THE COURT: Mr. Rivera?

11 MR. RIVERA: I have a few questions.

12 RECROSS EXAMINATION

13 BY MR. RIVERA:

14 Q Officer, you testified on redirect  
15 examination that there was some radio runs in  
16 reference to a playground, -- a playground and a  
17 ball field, is that correct?

18 A In regard to what?

19 Q That you had received radio runs in  
20 reference to individuals running at a ballfield and  
21 at a playground; is that correct?

22 A No.

23 Q What was your testimony about individuals  
24 being spotted at about 12:00 in the evening --  
25 withdrawn.

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T13-1f

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REYNOLDS - PEOPLE - RECROSS - RIVERA

Did you hear on the radio, radio runs about individuals being spotted at a lake and at a ballfield?

A Could you rephrase that?

Q Did you hear on your radio about 11:00 in the evening of April 19th, a radio run about individuals being spotted at a lake -- withdrawn -- at a pond and at a playground?

A No.

Q What did you specifically hear about at that time?

A At 11:00?

Q Yes.

A We were on our way to the stationhouse at 11:00.

Q Did you have your radio on?

A Yes, I did.

Q And you didn't hear any radio runs about individuals being spotted at a pond and at a ballfield?

A Not at 11:00.

Q Didn't you hear any radio runs about individuals being spotted at a pond and at a ballfield?

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1 REYNOLDS - PEOPLE - RECROSS - RIVERA

2 A At what time?

3 Q At about 10:30 to 11:00 that evening.

4 A Yes, I did.

5 Q About what time was that?

6 A You are saying at a pond and where else?

7 Q A ballfield.

8 A Yes.

9 Q What time would that have been, Officer?

10 A That was shortly after we spotted the group  
11 and they ran.

12 Q Could you identify on this map where the  
13 pond and ballfield are located?

14 MS. LEDERER: The record should  
15 reflect Exhibit 7.

16 THE COURT: Yes.

17 Q On Exhibit 7.

18 A This right here is the pond, and here are  
19 the ballfields on which they were speaking of, in  
20 this area here. (Indicating)

21 MS. LEDERER: The record should  
22 reflect where the witness is indicating.

23 THE WITNESS: The north meadow, that  
24 is the ballfield, and the pool here is what  
25 the pond was, where they were being chased.

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1 REYNOLDS - PEOPLE - RECROSS - RIVERA

2 (Indicating)

3 MR. RIVERA: Thank you. You may sit  
4 down.

5 (Witness resumes the stand)

6 Q You testified earlier today that about  
7 10:30 you saw a group of 10 or 15 blacks and  
8 hispanics walking northbound on Central Park West;  
9 is that correct?

10 A That's correct.

11 Q Okay, how many hispanics did you see  
12 Officer?

13 A I don't recall. I didn't break down the  
14 group into blacks and hispanics.

15 Q How were you able to identify any hispanics  
16 walking in that group?

17 A I wasn't able to identify any until we had  
18 stopped them and I was able to -- I saw Raymond  
19 Santana and Steven Lopez.

20 Q And that's when you were able to identify  
21 that there were blacks and hispanics in that group,  
22 is that correct?

23 A I knew they were hispanics. I surmised  
24 that the rest were black. They appeared to be black  
25 as they were running.

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REYNOLDS - PEOPLE - RECROSS - RIVERA

Q Prior to the time that you stopped Santana and Lopez, you were not aware of this amorphous group as containing blacks and hispanics; is that correct?

A I assumed they were blacks and hispanics.

Q But you could not identify particular individuals as being hispanics prior to you stopping Raymond Santana and Steven Lopez; is that correct?

A Well, when you say -- again, with hispanics, you have black hispanics and you have white hispanics. Any of the blacks that I saw could have been black hispanics. It is just a matter of what language they spoke.

Q If they were black hispanics, Officer, would you have classified them as blacks or hispanics?

A At what point?

Q At any point in time. In other words, if you were to issue a radio run at that point in time, would you identify the group as being a black group or a hispanic group?

MS. LEDERER: Objection.

THE COURT: Objection sustained.

Q When you arrested -- withdrawn.

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1 REYNOLDS - PEOPLE - RECROSS - RIVERA

2 You did not see Raymond Santana commit an  
3 act of unlawful assembly, is that correct, Officer?

4 A I saw him unlawfully assembled with a group  
5 that had previously committed an assault and  
6 harassed other people.

7 Q So it's your testimony that when my client  
8 was walking up the street of Central Park West, he  
9 was committing an act of unlawful assembly?

10 A If that's the definition of the law.

11 Q I'm asking if that is your testimony.

12 A I believe it is.

13 Q Was my client acting in tumultuous conduct  
14 when he was walking on Central Park West?

15 A He was walking with the group acting in  
16 violent and tumultuous behavior.

17 Q In your presence they acted in tumultuous  
18 behavior?

19 A I did not say that.

20 Q They did not engage in any violent  
21 tumultuous behavior that you observed; is that  
22 correct?

23 A That's correct.

24 Q Officer, you were the arresting officer for  
25 Raymond Santana; is that correct?

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T13-1f

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1 REYNOLDS - PEOPLE - RECROSS - RIVERA

2 A That's correct.

3 Q There was a Sergeant Lailo, is that his  
4 name?

5 A Laile; L-A-I-L-E.

6 Q There was a Sergeant Laile that responded  
7 to 102nd Street and Central Park West; is that  
8 correct?

9 A No.

10 Q There was a Sergeant Laile -- withdrawn.

11 Did Sergeant Laile respond to 102nd Street  
12 and Central Park West?

13 A No.

14 Q Did Sergeant Laile respond to 100th Street  
15 and Central Park West?

16 A Yes.

17 Q Was there a Sergeant that responded to  
18 102nd Street and Central Park West prior to you  
19 transporting my client to 100 Street and Central  
20 Park West?

21 A Yes.

22 Q And what's the name of that Sergeant?

23 A Sergeant Wheeler.

24 Q And you placed Mr. Santana in Sergeant  
25 Wheeler's vehicle; is that correct?

\* 10/16/89

NYCLD\_023479

P-APP002190

T14-fr

734

1 REYNOLDS - PEOPLE - RECROSS - RIVERA

2 A Can you repeat that?

3 Q You placed my client, Raymond Santana, in  
4 Sergeant Wheeler's vehicle?

5 A Yes.

6 Q Did you have a conversation with Sergeant  
7 Wheeler prior to placing my client in his car?

8 A I don't recall. If I told him anything it  
9 would be, I guess, that I'd meet him back at 100  
10 Street and Central Park West.

11 Q Did Sergeant Wheeler authorize you to place  
12 my client under arrest?

13 MS. LEDERER: Objection.

14 THE COURT: Objection sustained.

15 Q Did Sergeant Wheeler instruct you to place  
16 my client, Raymond Santana under arrest?

17 MS. LEDERER: Objection.

18 THE COURT: Sustained.

19 Q You placed Raymond Santana under arrest  
20 pursuant to your own authority; is that correct?

21 MS. LEDERER: Objection.

22 THE COURT: He's answered that so many  
23 times.

24 MR. RIVERA: He testified on redirect  
25 that there was a Sergeant that responded

10/16/89

NYCLD\_023480

P-APP002191

T14-fr

735

1 REYNOLDS - PEOPLE - RECROSS - RIVERA

2 and after he spoke to the Sergeant he  
3 placed my client under arrest.

4 THE COURT: I'll let him answer.

5 THE WITNESS: I had conferred with my  
6 supervisor regarding the facts and  
7 circumstances to the incident, and decided  
8 to place him under arrest with my  
9 supervisor.

10 Q This was after you conferred with your  
11 supervisor; is that correct?

12 A I had it in my mind that I was going to  
13 place him under arrest.

14 Q Did you place my client under arrest prior  
15 to conferring with your supervisor?

16 MS. LEDERER: Objection.

17 THE COURT: I'll let him answer.

18 A If you consider custody arrest, then you  
19 can say he was under arrest. I -- as I had stated  
20 before, we had him in custody. We placed handcuffs  
21 on him and we took him to 100 Street and Central  
22 Park West.

23 Q This was before you spoke to Sergeant  
24 Wheeler or after you spoke to Sergeant Wheeler?

25 A What?

10/16/89

NYCLD\_023481

P-APP002192

T14-fr

736

1 REYNOLDS - PEOPLE - RECROSS - RIVERA

2 Q That you placed the handcuffs on my client  
3 and took him to 100 Street and Central Park West?

4 A I put the handcuffs on probably before I  
5 spoke to Sergeant Wheeler.

6 Q Now, you testified also on redirect that  
7 there was a condo located on approximately 100  
8 Street and Central Park West; is that correct?

9 A A condo or cooperative.

10 Q Condo or co-op. How tall a structure is  
11 that, Officer?

12 A I don't know.

13 Q Is it a 20 or 30 story structure?

14 A I don't know.

15 Q Or is it a four or five story structure?

16 A Again, I do not know.

17 Q You never observed that structure; is that  
18 correct?

19 MS. LEDERER: Objection.

20 THE COURT: I'll let him answer.

21 A I looked at it, I never sat there and  
22 counted the floors.

23 Q Is it a big structure or a medium size  
24 structure?

25 A It appears to be pretty large.

10/16/89

T14-fr

737

1 REYNOLDS - PEOPLE - RECROSS - RIVERA

2 Q And you would have no idea how many  
3 families live at that condo?

4 A No.

5 Q Would you know how many hispanics live in  
6 that condo?

7 A No.

8 Q Would you know how many blacks live in that  
9 condo?

10 A No.

11 Q Have you ever seen any hispanics and blacks  
12 in that condo?

13 A You mean entering and coming and going?

14 Q That's right.

15 A Probably.

16 Q When you arrested my client, Mr. Santana,  
17 you didn't ask him if he had taken any drugs; is  
18 that right?

19 MS. LEDERER: Objection.

20 THE COURT: Objection sustained.

21 Q You arrested my client, Mr. Santana, did  
22 you observe any smell of alcohol on his breath?

23 MS. LEDERER: Objection.

24 THE COURT: Sustained.

25 Q Now, it was your intention to take Mr.

10/16/89

6

T14-fr

738

1 REYNOLDS - PEOPLE - RECROSS - RIVERA

2 Santana to a show-up in Central Park with Mr.  
3 Loughlin; is that correct?

4 A Excuse me?

5 Q It was your intention to take Mr. Santana  
6 to a show-up in Central park, is that correct, when  
7 you arrested him?

8 A Possibly to bring Mr. Loughlin to him.

9 Q Or bring Mr. Loughlin to him; is that  
10 correct?

11 A Yes.

12 Q That would be for the purpose of a show-up;  
13 is that correct?

14 A That's correct.

15 Q And were you aware that a show-up had  
16 occurred with Mr. Loughlin shortly before you  
17 arrested Mr. Santana?

18 A No.

19 Q Were you aware of any show-up with Mr.  
20 Loughlin?

21 A No.

22 Q Involving Mr. Loughlin?

23 A No.

24 Q And who advised you not to conduct a show-  
25 up of Mr. Loughlin?

10/16/89

NYCLD\_023484

P-APP002195

T14-fr

739

1 REYNOLDS - PEOPLE - RECROSS - RIVERA

2 A I was never advised not to have a show-up.

3 Q Okay.

4 You testified earlier that there came a  
5 point in time that you were advised -- that you were  
6 aware that Mr. Loughlin had one eye closed; is that  
7 correct?

8 A I said his eye was severely injured due to  
9 the assault committed upon him.

10 Q Who advised you of the severe injury to Mr.  
11 Loughlin's eye?

12 A I believe that was Sergeant Wheeler.

13 Q And did Sergeant Wheeler advise you that he  
14 had conducted a show-up at Central Park involving  
15 Mr. Loughlin?

16 A I don't believe so, no.

17 Q So at this point in time you were not aware  
18 of any show-ups involving Mr. Loughlin; is that  
19 correct?

20 A That's correct.

21 Q Did you advise my client's grandmother that  
22 my client was a juvenile and he'd be treated as a  
23 juvenile, did you use words of that significance to  
24 my client's grandmother?

25 A If I did that, that would have been in

10/16/89

T14-fr

740

1 REYNOLDS - PEOPLE - RECROSS - RIVERA  
2 regard to the assault on Mr. Loughlin.

3 Q Did you advise my client's grandmother that  
4 my client was arrested for the assault on Mr.  
5 Loughlin?

6 A I believe so.

7 Q You told her that he had been arrested for  
8 the assault on Mr. Loughlin?

9 A That's what he was originally arrested for.

10 Q This is when you spoke to my client's  
11 grandmother at 4:30, 5:00, is that correct?

12 I represent Raymond Santana if that helps  
13 your recollection.

14 A I believe I waited for her to come in to  
15 explain everything to her. I told her he was under  
16 arrest and he needed a parent or guardian to come  
17 down so that we could release him to that person.

18 Q And at that point in time you advised the  
19 grandmother as to what the charges were on Mr.  
20 Santana; is that correct?

21 A Over the phone?

22 Q In the precinct; is that correct?

23 A I believe so.

24 Q And you did not advise her what the charges  
25 were over the phone; is that correct?

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NYCLD\_023486

P-APP002197

T14-fr

741

1 REYNOLDS - PEOPLE - RECROSS - RIVERA

2 A I believe so, I'm not exactly sure.

3 Q But it's not true that Mr. Santana was  
4 arrested for -- was under arrest for the assault of  
5 Mr. Loughlin; is that correct?

6 MS. LEDERER: Objection.

7 THE COURT: Objection sustained.

8 We had it so many times.

9 MR. RIVERA: He testified now that he  
10 advised the grandmother that he was under  
11 arrest.

12 THE COURT: What's your question?

13 Q The question is was Mr. Santana under  
14 arrest at 4:30 in the morning for the assault on Mr.  
15 Loughlin?

16 MS. LEDERER: Objection.

17 THE COURT: I'll let him answer.

18 A Yes.

19 Q He was under arrest at this point in time?

20 A I'm sorry, he's under arrest for an  
21 unlawful assembly. It's my mistake.

22 Q So let's backtrack, Officer.

23 I represent Raymond Santana. He was  
24 arrested for unlawful assembly?

25 A Right.

10/16/89

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P-APP002198

T14-fr

742

REYNOLDS - PEOPLE - RECROSS - RIVERA

Q The only charge you had placed under him was unlawful assembly?

A Correct.

Q You testified earlier today that you had advised his grandmother that Mr. Santana was arrested for an assault on Mr. Loughlin; that's not correct?

A Right.

Q The only charge you advised her of was that he was under arrest for unlawful assembly, is that correct?

A That's correct.

Q And you also told her that he was a juvenile and he would be treated as a juvenile; is that correct?

A I believe I did.

Q You also told her that he would be released in a very short period of time?

A I believe so.

Q And that he would be released to her custody within a very short period of time?

A I believe I did.

Q Did you ever tell her that the detectives were coming over to question Raymond Santana?

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P-APP002199

T14-fr

743

REYNOLDS - PEOPLE - RECROSS - RIVERA

A At one point I might have. I'm not sure what I told her.

Q Did you also tell her that Raymond Santana would be released in a short period of time after the detective questioned Mr. Santana?

A I might have.

Q Did you also tell her that he would be going home after the detectives questioned Mr. Santana?

A I might have said that.

Q Officer, what time did you go to meal on that date?

MS. LEDERER: Objection.

THE COURT: How is this proper recross?

MR. RIVERA: I thought the Court was giving me leeway?

THE COURT: You had an hour of cross examination.

MR. RIVERA: This is the last question, your Honor.

THE COURT: All right, I'll let you ask it.

Q What time did you go to meal on the night

10/16/89

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P-APP002200

744-fr

744

REYNOLDS - PEOPLE - RECROSS - RIVERA

of April 19th?

A I went to meal at 8:00.

Q And what time did you come back?

A Nine.

MR. RIVERA: No further questions,  
your Honor.

THE COURT: Mr. Maddox?

MR. MADDOX: Judge, I do believe I  
have standing.

THE COURT: I don't think you have  
standing, but we didn't raise it initially.  
I said I would let you cross because I  
allowed you to cross.

MR. MADDOX: I just wanted you to know  
I don't have any questions, but that's from  
a lawyer's point of view.

THE COURT: Do you have anything else?

MS. LEDERER: No.

THE COURT: Thank you, Officer.

(Witness, Police Officer Eric Reynolds  
exits the courtroom.)

THE COURT: Who's next?

MS. LEDERER: Police Officer Powers.

P. O. ROBERT POWERS, having been

10/16/89

NYCLD\_023490

P-APP002201

COLLOQUY

3303

and all sworn jurors are present.

THE COURT: Good morning, ladies  
and gentlemen.

Call your next witness, please.

MS. LEDERER: Detective Taglioni.

THE COURT CLERK: Do you solemnly swear  
the evidence you will give the Court and  
jury shall be the truth, the whole truth,  
nothing but the truth, so help you God?

THE WITNESS: I do.

THE COURT OFFICER: In a loud, clear  
voice, state your name, spelling your last  
name, give your shield and current assignment.

THE WITNESS: Detective John R. Taglioni,  
T-A-G-L-I-O-N-I, shield 3685. I'm assigned  
to the Manhattan North Homicide.

THE COURT OFFICER: People's witness.

DETECTIVE J O H N R. T A G L I O N I, called as  
a witness by the People, having been duly sworn  
by the court clerk, testified under oath as follows:

DIRECT EXAMINATION

BY MS. LEDERER:

Q Detective, how long have you been with the  
New York City Police Department?

FMRRN TRANSCRIPT

NATIONWIDE: 1-800-255-5040

CORBY GROUP NJ:

NYCLD\_018540

P-APP002202

FWRRN TRANSCRIPT

NATIONWIDE: 1-800-255-5040

CORBY GROUP NJ:

1 TAGLIONI - PEOPLE - DIRECT - LEDERER 3304

2 A Twenty-one years.

3 Q And how long have you been a detective?

4 A Seven years.

5 Q I'd like to direct your attention, please,  
6 to April 20 of 1989.

7 Were you working on that date?

8 A Yes, I was.

9 Q What tour of duty did you work on April 20th?

10 A I was doing a four by one. That's 4:00 PM  
11 to 1:00AM in the morning

12 Q Directing your attention to approximately  
13 10:45PM, on the evening of April 20th, 1989. Where  
14 were you at about that time on that date?

15 A The 20th Precinct Stationhouse.

16 Q Were you given an assignment at that time?

17 A Yes.

18 Q What was the assignment you were given?

19 A I was given an assignment to go to  
20 , to try and locate a Yusef Salaam.

21 Q Do you recall who gave you that assignment?

22 A Yes, it was one of my supervisors, I'm not  
23 sure whether it was a sergeant or lieutenant.

24 Q And did you go to at that  
25 time?

FMRRN TRANSCRIPT

NATIONWIDE: 1-800-255-5040

CORBY GROUP NJ:

1 TAGLIONI - PEOPLE - DIRECT - LEDERER 3305  
2 A Yes, I did.  
3 Q With whom did you go?  
4 A I went with Detective Jack Freck, Detective  
5 Richard Bear and Detective Rudy Hall.  
6 Q At the time you were given the assignment,  
7 were any other names, other than Yusef Salaam, mentioned  
8 to you?  
9 A Yes, I heard the name Kharey.  
10 Q How many vehicles did the detectives take  
11 when they went to ?  
12 A We took two.  
13 Q What did you do upon arriving at  
14 ?  
15 A I went to the floor, to apartment  
16 Q Did anyone go with you to that location,  
17 to that apartment?  
18 A Yes, the same three detectives.  
19 Q And what happened when you got to apartment  
20 ?  
21 A I knocked on the door and the door was answered  
22 by a young lady.  
23 Q What, if anything, did you say when the door  
24 was answered by a young lady?  
25 A I introduced ourselves as police officers.

TAGLIONI - PEOPLE - DIRECT - LEDERER

3306

1  
2 I asked her if Yusef Salaam lived there. She replied  
3 he did. I then asked if he was home. She replied he  
4 wasn't. I then asked if her parents were home. And  
5 she replied they were not.

6 Q You saw there was a young lady that answered  
7 the door. Approximately how old did that young lady  
8 appear to you?

9 A She was in her teens. I'm not sure of her  
10 age, maybe 16, 17 years old.

11 Q At the time you and the other detectives  
12 were at the door, were you or any of the other detectives  
13 in uniform?

14 A No.

15 Q How ere you dressed?

16 A Approximately the same way I am now.

17 Q Did you or any of the other detectives have  
18 guns drawn at that time?

19 A No, we did not.

20 Q What happened after you had the conversation  
21 that you just described?

22 A While we were talking to the young lady -  
23 by the way, she identified herself as Yusef's sister  
24 -- three males started walking down the hallway towards  
25 the apartment.

FMRN TRANSCRIPT

NATIONWIDE: 1-800-255-5000

CORBY GROUP NJ:

TAGLIONI - PEOPLE - DIRECT - LEDERER

3307

1 Q When you say three males, did you notice  
2 anything about the approximate ages of the people that  
3 were walking towards you?

4 A Yes, they all appeared to be in their late  
5 teens.

6 Q What, if anything, did you do when you saw  
7 these three males walking towards you?

8 A I stepped away from the door and approached  
9 the three males. I stopped them, I asked them their  
10 names. I asked the first one his name. He gave me  
11 his name as Yusef Salaam.

12 Q You see Yusef Salaam seated here in court?

13 A Yes, I do.

14 Q Will you please point him out?

15 A Sitting there with the dark gray suit and  
16 red tie.

17 MS. LEDERER: The record should reflect  
18 the witness has identified Yusef Salaam.

19 THE COURT: Yes.

20 Q You indicated that you asked Yusef Salaam  
21 his name, and he indicated his name. Did you have any  
22 further conversation with him at that point?

23 A Yes, I did. I asked him his age. He replied  
24 that he was 16 years of age. I asked him if he had  
25

FMRRN TRANSCRIPT

NATIONWIDE: 1-800-255-5040

CORBY GROUP NJ:

NYCLD\_018544

P-APP002206

FMRRN TRANSCRIPT

NATIONWIDE: 1-800-255-5040

CORBY GROUP NJ:

1 TAGLIONI - PEOPLE - DIRECT - LEDERER 3308  
2 any identification on him, and he did. He produced  
3 a plastic card, a transit card.  
4 Q And when you say he produced a transit card,  
5 what, if anything, did you see him do with respect to  
6 that transit card?  
7 A He removed it from his pocket and handed  
8 it to me.  
9 Q And did you have occasion to look at the  
10 transit card?  
11 A Yes, I did.  
12 Q Where were the other detectives at the time  
13 you had this conversation with Yusef Salaam?  
14 A I believe Detective Hall was to my right  
15 and Detective Bear and Detective Freck were to my left.  
16 Q And where were the other two individuals,  
17 other two males you had seen with Yusef Salaam?  
18 A They were to his right.  
19 Q What were the other --  
20 THE COURT: I'm sorry, his, meaning  
21 who?  
22 Read the answer.  
23 You want it read back?  
24 MR. BURNS: I heard him say his right.  
25 THE COURT: That's not an objection.

FMRRN TRANSCRIPT

NATIONWIDE: 1-800-255-5040

CORBY GROUP NJ:

1 TAGLIONI - PEOPLE - DIRECT - LEDERER 3309

2 Go ahead.

3 Q What were the other detectives doing while  
4 you spoke to Yusef Salaam?

5 A They were speaking to the other two gentlemen.

6 MS. LEDERER: I'd ask at this time to  
7 have this marked as People's 174 for identifica-  
8 tion.

9 (Marked as requested.)

10 Q At the time you had the conversation you  
11 described with Yusef Salaam -- how old did Yusef Salaam  
12 appear to you as you spoke to him in the hall of  
13

14 MR. BURNS: Objection.

15 THE COURT: I'll allow it.

16 A He looked to be in his late teens.

17 Q What lead you to that impression?

18 A His facial hair, his height.

19 MS. LEDERER: I'd ask the witness please  
20 be shown People's 174 for identification.

21 (Hanging.)

22 Q Do you recognize People's 174 for identification?

23 A Yes, I do.

24 Q What do you recognize that to be?

25 A This is a pass, transit pass, student pass,

T3-JM-TS

3337

1 Taglioni - People - Cross - Burns

2 Q When you say you're not sure, is that the same thing  
3 as saying you don't know which one told you?

4 MS. LEDERER: Objection.

5 THE COURT: Objection sustained.

6 Q Do you know which one told you?

7 A No, I do not.

8 Q And the same person who told you to bring Yusef into  
9 the 20th Precinct, was that also the same person who told you  
10 to bring Carey to the precinct?

11 A Yes, it was.

12 Q And how was it determined that you would be  
13 accompanied by detective Freck, detective Bear and detective  
14 Hall (phonetic)?

15 A They are part of my team.

16 Q Were they present when you were told to bring in  
17 Yusef and Carey?

18 A Yes, they were.

19 Q Looking at People's Exhibit 174 in Evidence, the  
20 portion which deals, which relates to the name and the address  
21 and the age, that is what is printed?

22 A That is what is hand printed, yes.

23 Q Is there a signature there too?

24 A I'm sorry -- you said -- the last question, I may  
25 have misunderstood you there.

1 T-1 Reynolds-Ppl-direct 794  
2 A Yes.  
3 Q Where did you see officer Alvarez?  
4 A I saw him at the, approximately the East Drive and  
5 102nd Street.  
6 Q And was he in a car or was he outside of a car?  
7 A I believe he was in his car.  
8 Q Who did you see with officer Alvarez.  
9 A They had a male complainant in the back of the car.  
10 Q How long did you speak to officer Alvarez?  
11 A Say about two, three minutes.  
12 Q After you had that conversation with officer  
13 Alvarez, what did you do?  
14 A We continued to drive around the park in search of  
15 the group that committed the assault.  
16 Q And what area, generally what area did you search?  
17 A The north end of the park.  
18 Q While you were searching the north end of the park,  
19 did there come a time where you heard another radio  
20 transmission?  
21 A Yes.  
22 Q And what was that radio transmission?  
23 A There was, the dispatcher had given us a message  
24 that there were thirty to forty males harassing people  
25 inside the park.

H. C. Davis

1 T-1 Reynolds-Ppl-direct 795

2 Q When you say the dispatcher, do you know who you  
3 heard?

4 A I don't know the person whose name it was, just  
5 that there was, you know.

6 Q When you say dispatcher, are you referring to  
7 somebody from Central Park or is this from the 911?

8 A From 911.

9 Q At approximately what time did you receive that  
10 radio transmission?

11 A It was a little after the original one that officer  
12 Alvarez put over.

13 Q What did you do after you received that radio  
14 transmission?

15 A I continued to look through the park.

16 Q Did you see any people matching the descriptions  
17 that you had received?

18 A No.

19 Q Did you see any police cars while you were  
20 canvassing?

21 A Yes.

22 Q And approximately how many other police cars did  
23 you see?

24 A I'd say about eight, nine cars.

25 Q And where did you see those police cars?

P. C. Davis

1 T-1 Reynolds-Ppl-direct 796

2 A I saw them all throughout the ball fields and on  
3 the pedestrian paths and roadways throughout the park.

4 Q Did there come a time where you received a third  
5 radio transmission?

6 A Yes.

7 Q And what was that transmission?

8 A That was from Sgt. Lale (phonetic).

9 Q Who is Sgt. Lale?

10 A He was our supervisor in Anti Crime.

11 Q And at approximately what time did you receive that  
12 radio transmission?

13 A About quarter to ten.

14 Q What if anything did you do --

15 What was that radio transmission?

16 A He, he had a group of youths over at 100th Street  
17 and Central Park West, inside the playground and he'd wanted  
18 officer Alvarez to bring over the complainant for a show up  
19 to see if they were the same people that committed the  
20 assault against him.

21 Q And did you go to that playground at 100th Street?

22 A Yes.

23 Q Did you see officer Alvarez there?

24 A Yes.

25 Q Did you see a number of youths at that playground?

H. C. Davis

1 T-1 Reynolds-Ppl-direct

797

2 A Yes.

3 Q And was officer, excuse me, was the complainant  
4 with officer Alvarez, given an opportunity to see those  
5 people?

6 A Yes.

7 Q Were you present at that time?

8 A Yes, I was.

9 Q Did you actually have any conversation or interview  
10 the complainant who was with officer Alvarez?

11 A No.

12 Q How long did you stay at that playground?

13 A I'd say about ten minutes, fifteen minutes, maybe.

14 Q Where did you go when you left the playground?

15 A We continued to canvass the northern end of the  
16 park.

17 Q And did you see any young males?

18 A No.

19 Q Did you see any police cars?

20 A Yes.

21 Q And either at this time or earlier when you saw the  
22 police cars, did you notice whether any of them had any dome  
23 lights or turret light on as they were driving?

24 A No, I don't recall any.

25 Q Did they have their turret lights on or any kind of

H. C. Davis

1 T-1 Reynolds-Ppl-direct

798

2 dome light?

3 A On any of the police cars?

4 Q Yes.

5 A Not that I recall, no.

6 Q And while you were driving around, did you hear yet  
7 another radio communication?

8 A Yes.

9 Q And what was that communicate?

10 A That was from one of the auxiliary police, he had  
11 found a male jogger that was --

12 MR. JOSEPH: Objection, Judge.

13 THE COURT: I'll allow it.

14 A He had found a male jogger that was severely beaten  
15 on the, around 96th Street and the West Drive.

16 Q Did you hear any further information with respect  
17 to the assault on that male jogger?

18 A Yes, another police officer--

19 MR. JOSEPH: Objection.

20 THE COURT: Yes, just a minute. Come up for a  
21 minute.

22 Step down for a second.

23 (At side bar.)

24 THE COURT: Okay.

25 MR. JOSEPH: The basis of my objection is

H. C. Davis

1589

1 TAGLIONI - PEOPLE - DIRECT

2 Q And where did you go?

3 A I went to

4 Q Did someone direct you to go to that  
5 location?

6 A Yes, I was directed to go there by my  
7 supervisors.

8 Q Do you recall who it was that told you to go  
9 there?

10 A I don't recall whether it was the lieutenant  
11 or the sergeant.

12 Q What was your instruction with respect to  
13 going to ?

14 A I was instructed to go to find a Yusuf  
15 Salaam and ask him if he would accompany us into the  
16 station house for questioning.

17 Q Did you go by yourself or did you go with  
18 anyone else?

19 A I went with three detectives; Detectives  
20 Freck, Bier, Hall, all from Manhattan North Homicide  
21 Squad.

22 MR. BERMAN: Sorry, I couldn't hear the  
23 names.

24 THE WITNESS: Detectives Freck, Hall and  
25 Bier, B-I-E-R.

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P-APP002215

1590

TAGLIONI - PEOPLE - DIRECT

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25

Q What were your exact instructions with respect to Yusaf Salaam?

A To try to locate him and ask him if he would come into the station house for questioning.

Q Did you know for what reason it was desired that he should come to the 20th Precinct for questioning?

A Just in connection with the Central Park.

Q Did you know how it was that the supervisors who asked you to get him had gotten his name?

A No, I do not.

Q And did you know anything about what his connection to the Central Park investigation might be?

A No, I did not.

Q Where did you go when you went to

?

A I believe.

Q And what happened when you went to that apartment at ?

A I knocked on the door. A young lady-- excuse me, I don't know her name-- came to the door. I identified ourselves as police officers, detectives. She identified herself as Yusaf's

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1 sister. I don't have her name, I don't know what  
2 her name is.  
3

4 Q Were you able to form a general impression  
5 about her age?

6 A She appeared to be in her late teens.

7 Q And did you have a conversation with her?

8 A Yes, I did.

9 Q What, if anything, did you say to her?

10 A I asked her if-- did Yusaf live there and if  
11 he was home. And she instructed me that he was not  
12 at home.

13 Q And did she tell you that was his apartment  
14 where he lived?

15 A Yes, she did.

16 Q What happened as you spoke to this woman at  
17 ?

18 A As we were speaking to her, three males came  
19 down the hallway. The apartment is down the end of  
20 the hall. We stopped-- they were coming towards the  
21 apartment. We stopped them. I asked them to  
22 identify themselves. They did.

23 Yusaf identified himself as Yusaf Salaam. The  
24 other gentleman, I believe he gave his name as  
25 Kharey Wise. The name Kharey had come up in the

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station house.

We were also told if we came across a Kharey-- I didn't know his last name-- we should ask him to accompany us to the station house.

Q When you say the name Kharey had come up in the station house, had that been mentioned to you when you were sent to ?

A Yes, by our supervisor.

Q Can you tell us what exactly was said to you with respect to Kharey Wise?

A If we did run across Kharey-- I didn't have Wise-- we should also ask him to accompany us to the station house for questioning.

Q Were you given, if you recall, a residence or address for the person that was identified as Kharey?

A I don't recall receiving an address on Kharey, no.

Q When you said that three males came toward you, who was the third person?

A I don't know the third person's name.

Q At the time did you learn his name?

A I know of his first name, Eddie; that's it.

THE COURT: What was that name?

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1 TAGLIONI - PEOPLE - DIRECT

2 THE WITNESS: Eddie.

3 Q When you said you saw these three males  
4 coming down the hall toward you and you had a  
5 conversation with them, how far from the doorway  
6 where you were talking to the female did you have a  
7 conversation with those three males?

8 A I'd say ten, no more than fifteen, feet.

9 Q And would you please tell us what  
10 conversation, if any, did you have with Yusaf  
11 Salaam?

12 A After he gave me his name, I asked him how  
13 old he was, and he told me he was sixteen years of  
14 age. I--

15 Q Let me just stop you for a moment.

16 When you saw Yusaf Salaam, would you say how he  
17 appeared to you.

18 A He appeared to be older.

19 Q How was it that you formed the impression  
20 that he was older?

21 A His appearance. He looked a lot older than  
22 sixteen.

23 Q When you spoke to him, you said he gave you  
24 his name. What else did you say to him and did he  
25 say to you?

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1  
2 A Well, when he told me he was sixteen, I  
3 asked if he had any proof of that, because I thought  
4 he was older.

5 Q What, if anything, did he say when you asked  
6 for proof?

7 A He said he did have proof and displayed a  
8 Transit card. I believe it was a school Transit  
9 card.

10 MS. LEDERER: I would please ask that  
11 this be marked as People's 14 for  
12 identification.

13 (Card marked People's Exhibit 14 for  
14 identification.)

15 Q Looking at People's 14 for identification,  
16 do you recognize what that is?

17 A Yes, I do.

18 !/FR

19 Q And what do you recognize that to be?

20 A This is the card, the student card that  
21 Yusaf handed to me in the hallway.

22 Q Does that card appear to be in the same  
23 condition as when it was given to you in the  
24 hallway?

25 A No, it does not.

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2 Q How is it different?

3 A Well, Yusaf's name is still clear, but the  
4 rest of the writing on there appears to be smudged  
5 and fading.

6 Q Is the information that is written on the  
7 back of People's 14 for identification the same as  
8 it was when you saw it on the evening of April 20,  
9 1989, when Yusaf Salaam showed it to you?

10 A Yes, it is.

11 Q And does People's 14 for identification,  
12 does that reflect an age, a date of birth?

13 A Yes, it does.

14 Q What is the date of birth on People's 14 for  
15 identification?

16 A 2/27/73.

17 Q May I see People's 14 for a moment.

18 (Handing.)

19 Q And is this the same bus pass he showed you  
20 in the hallway on April 20, 1989?

21 A Yes, it is.

22 MS. LEDERER: At this time I offer  
23 People's 14 into evidence.

24 MR. BURNS: May I see it?

25 (Handing.)

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1 TAGLIONI - PEOPLE - DIRECT

2 MR. BURNS: For purposes of this  
3 hearing, I have no objection.

4 THE COURT: All right, mark it, please.

5 (People's Exhibit 14 received in  
6 evidence.)

7 Q Other than asking his name and asking his  
8 age and asking for proof of his age, did you have  
9 any further conversation with Yusaf Salaam at that  
10 time in the hall?

11 A Yes, I did. I asked him if he would  
12 accompany us to the station house to talk to us  
13 about the Central Park incident. He stated he  
14 would.

15 Q And what happened after you had that  
16 conversation with him?

17 A I took him in the elevator downstairs and to  
18 the 20th Precinct.

19 Q Did you handcuff Yusaf Salaam?

20 A No, I did not.

21 Q Did you have your gun drawn at that time?

22 A No, I did not.

23 Q Who was with you at the time you had this  
24 conversation with Yusaf Salaam?

25 A Detectives Hall, Bier and Andy Freck.

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1 Q When you left the hallway of the  
2  
3 did anyone else go with you other than the  
4 detectives you just named and Yusaf Salaam?

5 A No. There was seven of us and I wouldn't  
6 allow more than seven people to get on the elevator  
7 because I'm claustrophobic.

8 Q When you say there were seven of you, who  
9 else are you referring to besides the four  
10 detectives and Yusaf Salaam?

11 A Kharey Wise and the fellow known as Eddie.

12 MR. MOORE: I'm sorry?

13 THE WITNESS: I don't know the other  
14 fellow's last name. All I know is Eddie.

15 Q Were you present or did you have any  
16 personal conversation with Kharey Wise in the hall  
17 of ?

18 A Other than asking him his name and age and  
19 would he accompany us, no.

20 Q Did you personally say that to Kharey Wise  
21 or did someone else say that to him?

22 A I believe Detective Freck asked Kharey if he  
23 would accompany us.

24 Q And were you able to hear the conversation  
25 he had with Kharey?

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A Yes, I was.

Q And what, if anything, did you hear Kharey say?

A That he would come into the station house with us.

Q And was Kharey Wise handcuffed at that time?

A No, nobody was handcuffed.

Q Where did you go when you left the ?

A Went down to the lobby and to our car.

Q How many cars did you have?

A We had two unmarked police cars.

Q And did you ride in one of the cars?

A Yes, I did.

Q Who did you ride with?

A Detective Hall and Yusaf Salaam.

Q And where did Yusaf Salaam ride in the car?

A In the back seat.

Q Do you know where Kharey went?

A Kharey went into the other unmarked vehicle with Detective Bier and Detective Freck.

Q Was Yusaf Salaam handcuffed when he rode in the car?

A No, he was not.

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1 TAGLIONI - PEOPLE - DIRECT

2 Q Did you have any conversation with Yusaf  
3 Salaam on the way after you left

4 A No, I did not.

5 Q Did you hear any conversation between him  
6 and anybody else in the car, the other detective?

7 A I don't recall it, no.

8 Q Where did you go?

9 A I went to the 20th Precinct.

10 Q And where did you go when you arrived at the  
11 20th Precinct?

12 A When we arrived at the 20th Precinct, we  
13 were directed to go upstairs to the third floor to  
14 the Sex Crimes office.

15 Q Directing your attention to People's 4 in  
16 evidence, the third floor of the 20th Precinct,  
17 could you please step down from the witness stand  
18 and approach People's 4 in evidence and indicate,  
19 please, where you went with Yusaf Salaam when you  
20 arrived.

21 A Okay. We took the stairway up to the third  
22 floor. We entered the Sex Crimes office, which is  
23 over here, and I took Yusaf into this room right  
24 here in the Sex Crimes office.

25 MS. LEDERER: The record should reflect

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1 TAGLIONI - PEOPLE - DIRECT

2 the witness is indicating a small room off  
3 of a longer room. It has three file  
4 cabinets and something-- and one desk in  
5 that room.

6 You may resume the witness stand. Thank  
7 you.

8 (Witness complies.)

9 Q Now, what did you do when you arrived in  
10 that room with Yusaf Salaam?

11 A I sat there and I waited for someone,  
12 another detective to come to do the interview.

13 Q Did you have any conversation with Yusaf  
14 Salaam while you sat there in that room with him?

15 A No, I did not.

16 Q Was he seated or standing?

17 A He was seated.

18 Q And approximately how much time elapsed  
19 before the arrival of a detective to conduct an  
20 interview?

21 A I'm not sure, but I'd say anywhere from  
22 fifteen to twenty minutes.

23 Q And do you know the name of the detective  
24 who arrived within that fifteen to twenty minute  
25 period?

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1 TAGLIONI - PEOPLE - DIRECT

2 A Yes, I do. Detective Thomas McKenna from  
3 Manhattan North Homicide.

4 Q Were you present when Detective McKenna came  
5 into the room?

6 A Yes, I was.

7 Q Approximately what time was it-- withdrawn.

8 What, if anything, did he say or do when he came  
9 into the room?

10 A When he came into the room, I introduced him  
11 to Yusaf, told him who he was, Detective McKenna  
12 from the Homicide Squad, that he would be talking to  
13 him.

14 With this Detective McKenna also introduced  
15 himself to Yusaf, read him his rights, and at that  
16 point I left the office.

17 Q Were you present when the rights were read?

18 A Yes, I was.

19 Q And did you see whether they were read from  
20 a card or were they given by memory?

21 A No, they were read from a card.

22 Q Were you present-- well, withdrawn.

23 When the rights were read, did Yusaf respond in  
24 any way when the rights were read?

25 A Yes, he did.

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